



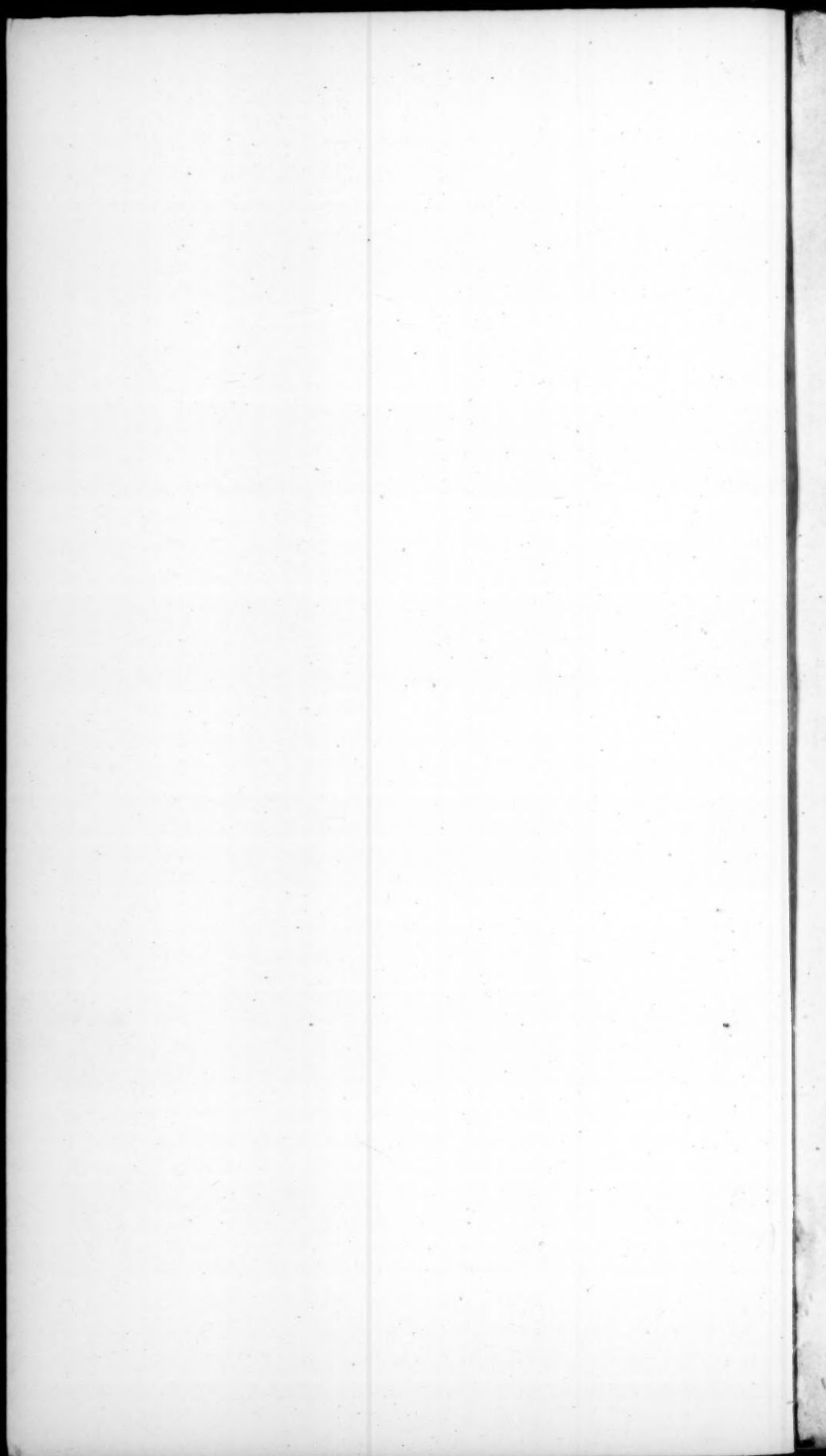
*The Right Hon.<sup>ble</sup>*  
CHARLES BATHURST,  
*Lydney Park.*



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CHARLES BATHURST,  
*Lydney Park.*







*K Davis (Lib. p.)*

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A

# DISCOVERIE

OF THE

TRUE CAUSES

WHY

*I R E L A N D*

Was neuer entirely Subdued,  
nor brought vnder Obedience

OF THE

Crowne of ENGLAND,

Vntill the Beginning of

His Maiesties happie Raigne.

*Davis*  
Printed exactly from the Edition in 1612.

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DISCOVERIE

TRUE CAUSES

ARE FOUND

Was never before published  
nor brought to Obsequy



His Majesty's Historic Reliques

Printed from the Edition of 1753

LONDON

Printed by A. Millar, at the Theatre Royal, in Pall Mall

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3  
Dedicated to the

K I N G,

BY HIS

M A I E S T I E S

Attorney Generall of IRELAND,

Sir J O H N D A V I E S.

---

PRINCIPIS EST VIRTUS MAXIMA,  
NÔSSE SVOS.

Dedicated to the

KING

BY HIS

MAJESTIES

Attorney General of Ireland,

ST. JOHN DAVIS.

---

Principis Est Virtus Maxima  
Morse Sicut



( 0 )

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A  
DISCOVERIE  
OF THE

True Causes why IRELAND  
was neuer entirely Subdued, and  
brought vnder Obedience of the  
Crowne of ENGLAND, vntill  
the Beginning of his Maiesties  
happy Raigne.

**D**Vring the time of my  
*Seruite* in IRELAND  
(which began in the  
first yeare of his Maie-  
sties raigne) I haue vi-  
sited all the Prouinces  
of that *Kingdome*, in sundry iournies and  
circuits. Wherein I haue obserued the  
good *Temperature* of the *Ayre*; the  
*Fruitfulnesse* of the *Soyle*; the pleasant



and commodious *seats* for *habitation*; the safe and large *Ports* and *Hauens* lying open for *Trafficke*, into all the West parts of the world; the long *Inlets* of many *Navigable Rivers*, and so many great *Lakes*, and fresh *Ponds* within the Land; (as the like are not to be seene in any part of *Europe*) the rich *Fishings*, and Wilde *Fowle* of all kinds; and lastly, the *Bodies* and *Minds* of the people, endued with extraordinary abilities of Nature.

THE obseruation whereof, hath bred in me some curiositie, to consider, what were the true causes, why *this Kingdome*, whereof our Kings of *England* haue borne the Title of *Soueraign Lords* for the space of foure hundred and odde yeares (a period of time wherein diuers great Monarchies haue risen from Barbarisme to Ciuillitie, and fallen againe to ruine) was not in all that space of time, thoroughly subdued and reduced to Obedience of the Crowne of *England*, although there hath been almost a continuall warre  
between

between the *English* and the *Irish*; and why the manners of the meere *Irish* are so little altered since the dayes of King *Henry* the second, as appeareth by the description made by *Giraldus Cambrensis*, (who liued and wrote in that time) albeit, there haue bin since that time, so many *English Colonies* planted in *Ireland*, as that, if the people were numbered at this day by the Poll, such as are descended of English race, would bee found more in number, then the ancient *Natiues*.

**A**ND truly, vpon consideration of the conduct and passage of affaires in former times, I find, that the *State* of *England* ought to be cleared of an imputation, which a vulgar error hath cast vpon it, in one point; namely, *That Ireland long since might haue beene subdued and reduced to Ciuility, if some Statesmen in policy, had not thought it more fit to continue that Realme in Barbarisme.* Doublesse, this vulgar Opinion (or report) hath no true ground,

ground, but did first arise either out of Ignorance, or out of Malice. For it will appeare by that which shal hereafter be laide downe in this discourse, that euer since *Our Nation* had any footing in this Land, the State of *England* did earnestly desire, and did accordingly endeavour from time to time, to perfect the Conquest of this kingdom, but that in every age there were found such impediments and defects in both Realmes, as caused almost an impossibility, that thinges should haue bin otherwise then they were.

Two  
maine im-  
pediments  
of the  
conquest.

Simile.

**T**HE *Defects* which hindred the *Perfection* of the Conquest of *Ireland*, were of two kinds, and consisted; first, *in the faint prosecution of the warre*, and next, *in the loosenesse of the ciuill Gouernment*. For, the Husbandman must first breake the Land, before it bee made capeable of good seede: and when it is thoroughly broken and manured, if he do not forthwith cast good seed into it, it will grow

grow wilde againe, and beare nothing but Weeds. So a barbarous Country must be first broken by a warre, before it will be capeable of good Government; and when it is fully subdued and conquered, if it bee not well planted and governed after the Conquest, it will est-soones return to the former Barbarisme.

**T**OUCHING the carriage of the *Mar-* The faint  
*tiall affaires*, from the seven- prosecu-  
 teenth yeare of King *Henry* the se- tion of the  
 cond, when the first ouerture was made warre.  
 for the Conquest of *Ineland* (I meane  
 the first after the Norman Conquest  
 of *England*) vntill the nine and thir-  
 tith yeare of Queene ELIZABETH,  
 when that Royal army was sent ouer  
 to suppress *Tirones* Rebellion, which  
 made in the end an vniuersall and ab-  
 solute conquest of all the *Irishrie*: it is  
 most certaine, that the English forces  
 sent *hither*, or raised heere from time  
 to time, were euer too weake to sub-  
 due and master so many warlike na-  
 tions (or *Septs*) of the Irish, as did  
 possesse



possesse this Island; and besides their weakenesse, they were *Ill paide*, and *worse Governed*. And if at any time there came ouer an army of competent strength and power, it did rather terrifie, then breake and subdue this people, being euer *broken* and *dissolued* by some one accident or other, before the perfection of the Conquest.

What is a  
perfect  
conquest.

**F**OR, that I call a *Perfect Conquest* of a Country, which doth reduce all the people thereof to the Condition of *Subiects*: and those I cal *Subiects*, which are gouerned by the ordinary Lawes and Magistrates of the *Soueraigne*. For, though the Prince doth beare the Title of *Soueraign Lord* of an entire country (as our Kings did of all *Ireland*) yet if there bee two third parts of that Countrey wherein he cannot punish Treasons, Murders, or Thefts, vnlesse he send an Army to do it; if the Iurisdiction of his ordinary Courts of Iustice doth not extend into those parts to protect the people from

from wrong and oppression; if hee haue no certaine Reuennew, no Escheats or Forfeitures out of the same, I cannot iustly say, that such a Countrey is wholly conquered.

**F**IRST then, that wee may iudge and discerne whether the *English* forces in *Ireland* were at any time of sufficient strength, to make a full and finall Conquest of that Land, let vs see what extraordinary armies haue bin transmitted out of *England* thither, and what ordinarie forces haue beene maintained there, and what seruice they haue performed from time to time, since the seauenteenth yeare of King *Henry* the second.

How the war hath bin prosecuted since the 17. yeare of *Henry* the second.

**I**N that yeare, *Mac Murugh* Lord of *Leinster*, being oppressed by the Lords of *Meib* and *Conaght*, and expelled out of his territorie, mooued King *Henry* the second to inuade *Ireland*, and made an ouerture vnto him for the obtaining of the Soueraigne Lordship thereof. The King refused to

In the time of *Henry* the second.

*Giraldus  
Cambren-  
sis.*

to vndertake the Warre himselfe, to auoide the charge (as King *Henrie* the feuenth refused to vndertake the disco- uery of the *Indies* for the same cause) but he gaue license by his Letters Pa- tents, that such of his Subiects might passe ouer into Ireland as wold at their owne charge become aduenturers in that enterprize.

The first attempt but an ad- uenture of priuate Gentle- men.

With what forces the K. him- selfe came ouer.

**S**O as the *first attempt to conquer this Kingdome, was but an aduenture of a few priuate Gentlemen. Fitz-Stephen, and Fitz-Girald, first brake the yce, with a party of three hundred ninety men. The Earle Strongbow followed them with twelue hundered more, whose good succeffe upon the Sea-coasts of Leinster and Mounster, drew ouer the King in person the next year after, cum quingentis Militibus, as Gi- raldus Cambrensis reporteth, who was present in Ireland at that time. Which if they were but fise hundered soul- diers, seemeth too smal a traine for so great a Prince. But admit they wer fise hundered knights, yet be- cause*



cause in those dayes euery Knight was not a Commaunder of a Regiment or Company, but most of them serued as priuate men, (sometimes a hundered Knightes vnder a *Speare*) as appeareth by the Lifts of the ancient armies, we cannot coniecture his army to haue beene so great, as might suffice to conquer all Ireland, being diuided into so many Principalities, and hauing so manie *Hydraes* heads, as it had at that time.

*Archiu.  
Remem.  
Regis apud  
Westm.*

For albeit, *Tacitus* in the life of *Agricola* doth report, that *Agricola* hauing subdued the greatest part of *Great Britaine*, did signifie to the Senat of *Rome*, that he thought *Ireland* might also be conquered with one Legion, and a few ayds: I make no doubt, but that if he had attempted the conquest thereof with a farre greater army, he would have found himselfe deceiued in his coniecture. “ For, a Barbarous Country is not so easily conquered, as a Ciuill, whereof *Cæsar* had experience in his warres against

B

“ the

“ the *Gaules*, *Germanes* and *Britaines*,  
 “ who were subdued to the Roman  
 “ Empire, with farre greater difficul-  
 “ ty, then the rich kingdoms of *Asia*.  
 “ And againe, a Countrey possessed  
 “ with many pettie Lordes and States,  
 “ is not so soone brought vnder en-  
 “ tirely, as an entire Kingdome Go-  
 “ uerned by one Prince or Monarch.  
 “ And therefore, the late King of  
 “ *Spaine* could sooner win the King-  
 “ dome of *Portugall*, then reduce the  
 “ States of the *Low-Countries*.

What  
 maner of  
 Conquest  
 King Hen-  
 rie the se-  
 cond made  
 of Ireland

**B**VT let vs see the successe of King  
*Henrie* the second, doubtlesse his  
 expedition was such, as he might haue  
 said with *Cæsar* : *Veni, vidi, vici*. For,  
 vpon his first arriuall, his very *Presence*  
 without drawing his sword, prevailed  
 so much, as al the *Petty-Kings*, or  
*Great Lords* within *Leinster*, *Conaght*,  
 and *Mounster*, submitted themselues  
 vnto him, promised to pay him tri-  
 bute, and acknowledged him their  
 chiefe and Soueraigne Lord. Besides,  
 the better to assure this inconstant Sea-  
 Nymph

Nymph (who was so easily wonne) the Pope would needs giue her vnto him with a Ring; *Coniugio iungam stabili, propriamque dicabo.* But as the Conquest was but slight and superficiall, so the *Popes Donation*, and the *Irish Submissions*, were but weake and fickle assurances. For, as the Pope had no more interrest in this kingdome, then *He* which offered to Christ all the kingdomes of the earth; so the Irish pretend, *That by their Law, a Tanist might do no Act that might bind his successor.* But this was the best assurance hee could get from so many strong Nations of people, with so weake a power: and yet he was so well pleased with this title of the *Lordship of Ireland*, as he placed it in his *Royall Stile*, before the Dutchies of *Normandy & Aquitaine*. And so, being aduertised of some stirs raised by his vnatural sonnes in *England*, within fve months after his first arriuall, he departed out of *Ireland*, without striking one blow, or building one Castle, or planting one Garrison among the Irish,

neither left he behinde him one true subiect more then those he found there at his coming ouer, which were onely the *Englisb Aduenturers* spoken of before, who had gained the Port Townes in *Leinster* and *Mounster*, and possessed some scopes of land thereunto adioyning, partly by *Strongbowes* alliaunce with the Lord of *Leinster*, and partly by plaine inuasion and Conquest.

And this is that Conquest of King *Henry* the second, so much spoken of, by so many Writers, which though it were in no other manner then is before expressed, yet is the entire Conquest of all *Ireland*, attributed vnto him.

But the troth is, the conquest of *Ireland* was made peece and peece, by slow steppes and degrees, and by feuerall attempts, in feuerall ages. There were sundry reuolutions, as well of the English fortunes, as of the Irish; some-whiles one preuailing, some-whiles the other, and it was neuer brought to a full



full period, till his Maieſty that now is, came to the Crowne.

As for King *Henry* the ſecond, hee was farre from obtaining that Monarchy Royall, and true Soueraignetie which his Maieſty (who nowe reigneth) hath ouer the Irish. For the Irish Lords did onely promise to become Tributaries to King *Henry* the ſecond. And ſuch as pay onely *Tribute*, though they bee placed by *Bodin*, in the first degree of *Subiection*, are not properlie *Subiects* but *Soueraignes*. For, though they bee leſſe and inferiour vnto the Prince to whom they pay *Tribute*, yet they hold all other pointes of Soueraignty; and hauing paide their *Tribute* which they promiſed, to haue their peace, they are quit of all other duties, as the ſame *Bodin* writeth. And therefore, though King *Henry* the ſecond had the title of *Soueraigne Lorde* ouer the Irish, yet did he not put thoſe thinges in execution, which are the true markes and differences of *Soueraignty*. *Bodin. de Repub.*

The true  
markes of  
Soue-  
raignty.

For, to giue Lawes vnto a people, to institute Magistrats and Officers ouer them; to punish and pardon Malefactours; to haue the sole authority of making warre and peace, and the like; are the true markes of Soueraignetie; which King *Henry* the second had not in the Irish Countreyes, but the Irish Lords did still retaine all these prerogatiues to themselues.

For they gouerned their people by the *Brebon Law*; they made their owne Magistrates and Officers; they pardoned and punnished all Malefactours within their seuerall Countries; they made warre and peace one with another, without controulment; and this they did not onely during the raigne of King *Henry* the second, but after-wardes in all times, euen vntill the Raigne of Queen *Elizabeth*: And it appeareth what maner of subiects these Irish Lords were, by the Concorde made betweene K. *Henrie* the second, and *Rodericke ô Connor* the Irish King  
of

of Conaght, in the yeare 1175. which is recorded by *Houeden* in this forme: *Hic est finis & Concordia, inter Domi-* *Houeden in Henrico*  
*num regem Angliæ Henricum, filium Im-* *secundo.*  
*peratricis, & Rodoricum Regem Co-* *fol. 312.*  
*nahtæ, scilicet, quod Rex &c. Angliæ*  
*concessit prædict' Roderico Ligeo homini*  
*suo, ut sit Rex sub eo paratus ad serui-*  
*tium suum, ut homo suus, &c.* And  
the Commission, whereby King Henry  
the second made *William Fitz-Adelme*  
his Lieutenant of Ireland, hath this di-  
rection; *Archiepiscopis, Episcopis, Re-*  
*gibus, Comitibus, Baronibus, & omnibus*  
*fidelibus suis in Hibernia, Salutem.*  
Whereby it is manifest, that hee gaue  
those Irish Lords the Title and stile of  
Kinges.

King *Iohn* likewise did grant diuers 6. Iohan-  
Charters to the King of Conaght, which nis Claus.  
remaine in the Tower of London. And membrana.  
afterwards in the time of King *Henrie* 18.  
the third, wee finde in the Tower, a 17. Iohan-  
graunt made to the King of *Thomond*, nis Chart.  
in these words. *Rex Regi Tosmond* 6. Hen. 3.  
*salutem. Concessimus vobis terram Tos-* chart m. 2.  
*mond*



*mond quam prius tenuistis, per firmam  
centum & triginta marcarum; Tenendum  
de nobis vsque ad ætatem nostram: And*

*Archiu. in* in the pipe Rols remaining in *Bremig-*  
*Castro* hams Tower, in the Castle of Dublin,  
*Dublin.* vpon fundrie Accompts of the Sene-  
shal of *Vlster* (when that Earledome  
was in the Kings handes, by reason of  
the minority of the Earle) the entry  
of all such charges as were made vp-  
pon *Oneale*, for Rent-Beeues, or for  
aids towards the maintenance of the  
Kinges warres, are in this forme.

*42. Hen. 3.* *Oneal Regulus 400. vaccas pro arreragio*  
*Comptus* *Reddit; Oneal Regulus, 100 li. de Au-*  
*Will. de la* *xilio Domini Regis ad guerram suam in*  
*Zouch.* *Wasconia sustinendam. And in one Rol*

*36. Hen. 3.* the 36. of Henry the third, *Oneale*  
*comptus* *Rex, 100 li. de auxilio domini Regis ad*  
*Huberti de* *guerram suam in Wallia sustinendam.*  
*Rouly.*

Which seemed strange to me, that  
the Kings ciuill Officer should giue  
him that stile vpon Record, vnlesse he  
meant it in that sense as *Maximilian*  
the Emperour did, when speaking of  
his disobedient Subiects; " The Title  
" (saide he) of *Rex Regum*, doth more

" pro-

“ properly belong to mee, then to any  
 “ mortall Prince, for all my subiects  
 “ do liue as Kings, they obey me in  
 “ in nothing, but do what they list.”

And truely, in that sence these Irish Lords might not vnfitly be tearmed Kings. But to speake in proper termes, we must say with the Latine Poet, *Qui rex est, Regem, Maxime non habeat*. But touching these Irish Kings, J will adde this note out of an ancient *Manuscript*, the blacke Booke of Christ-Church in *Dublin*. *Isti Reges non fuerunt ordinati solemnitate alicuius ordinis, nec unctionis Sacramento, nec iure hæreditario, vel aliqua proprietatis successionē, sed vi & armis quilibet Regnum suum obtinuit*: and therefore, they had no iust cause to complaine, when a stronger King then themselues, became a King and Lord ouer them. But let vs returne to our purpose, and see the proceeding of the Martial affaires.

King

How the war was prosecuted in the time of King *Iohn*. *Giraldus Cambrensis.* King *Henry* the second, being returned into England, gaue the Lordship of *Ireland* vnto the Lord *Iohn* his youngest sonne, sur-named before that time, *Sans Terre*. And the Pope confirming that giift, sent him a Crowne of Pea-cockes feathers (as Pope *Clement* the eight, sent the Feather of a *Phœnix* (as he called it) to the Traitor *Tirone*.) This young Prince the Kings sonne, being but twelue years of age, with a traine of yong Noblemen and Gentlemen, to the number of 300. but not with any maine army, came ouer to take possession of his new Patrimony, and being arriued at *Waterford*, diuers Irish Lords (who had submitted themselues to his father) came to performe the like duty to him. But that youthfull company vsing them with scorne, because their demeanors were but rude and barbarous, they went away much discontented, and raised a generall rebellion against him. Whereby it was made mani-

*Giraldus  
Cambren-  
sis.*

manifest, that the *Submission of the Irish Lords, and the Donation of the Pope, were but slender and weake assurances for a kingdome.*

Hereupon this young Lord was reuoked, and Sir *Iohn de Courcy* sent ouer, not with the kings armie, but with a company of *Voluntaries*, in number foure hundered, or thereabout. With these he attempted the conquest of *Vlster*, and in foure or fiue encounters, did so beate the Irishry of that Prouince, as that he gained the *Maritime Coasts* thereof, from the *Boyne* to the *Bann*; and thereupon, was made Earle of *Vlster*. So as now the English had gotten good footing in all the Prouinces of *Ireland*. In the first three Prouinces of *Leinster*, *Mounster*, and *Conaght*, part by the sword, and part by submission and alliance. And lastly, in *Vlster*, by the inuasion and victories of Sir *Iohn de Courcy*.

*Giraldus  
Cambren-  
sis.*



From this time forward, vntill the  
 feuteenth year of King *Iohn* (which  
 was a space of more then 30. yeares)  
 there was no army transmitted out of  
 England, to finish the Conquest. How-  
 beit in the meane time, the English  
 Aduenturers and Colonies alreadie plant-  
 ed in *Ireland*, did winne much ground  
 vpon the Irish; Namely, the Earle  
*Strongbow*, hauing married the Daugh-  
 ter of *Mae Murrogh*, in *Leinster*; the  
*Lacies* in *Meth*; the *Giraldines*, and o-  
 ther Aduenturers in *Mounster*, the *Au-  
 deleyes*, *Gernons*, *Clintons*, *Russels*, and  
 other Voluntaries of Sir *Iohn de Cour-  
 cies* retinue, in *Vlster*; and the *Bourkes*  
 (planted by *William Fitz-Adelme*) in  
*Conaght*. Yet were the English repu-  
 ted but Part-Owners of Ireland at this  
 time, as appeareth by the Commission  
 of the Popes Legate in the time of  
 King *Richard* the first, whereby he had  
 power to exercise his Iurisdiction, in  
*Anglia, Wallia, ac illis Hiberniæ parti-  
 bus, in quibus Iohannes Moretonij Comes*  
 pote-

*Matth.  
 Paris in  
 Richardo  
 primo.  
 fo. 1519.*

*poteſtatem* habet et dominium, as it is recorded by *Mat. Paris.*

King *Iohn*, in the twelfth year of his raigne, came ouer again into Ireland: the Stories of that time ſay, With a great army, but the certaine numbers are not recorded: yet it is credible, in regard of the troubles where-with this King was diſtreſſed in England, that this army was not of ſufficient ſtrength to make an entire *Matth,* Conqueſt of Ireland; and if it had *Paris.* been of ſufficient ſtrength, yet did not the King ſtay a ſufficient time to performe ſo great an action, for he came ouer in Iune, & returned in Septem. the ſame yeare. Howbeit in that time, the Iriſh Lords for the moſt part, ſubmitted themſelues to him, as they had done before to his Father: which was but a meere mockery & impoſture. For his backe was no ſooner turned, but they returned to their former Rebellion: & yet this was reputed a *ſecond Conqueſt.* And ſo this King giuing order  
C for

for the building of some Castles vpon the Borders of the English Colonies, left behinde him the *Bishop of Norwich*, for the ciuill gouernment of the Lande; but he left no standing army to prosecute the conquest: onely the English Colonies which were alreadye planted, were left to themselves to maintaine what they had got, and to gaine more if they could.

The personall presence of these two great Princes, King Henry the second, and King John, though they performed no great thing with their armies, gaue such countenance to the English Colonies, which encreased dayly by the comming ouer of new voluntaries and aduenturers out of *England*, as that, they enlarged their Territories verie much. Howbeit after this time the Kings of *England*, either because they presumed that the English Colonies were strong enough to roote out the Irish by degrees, or else because they were diuerted or disabled otherwise



otherwise (as shall be declared hereafter) neuer sent ouer any Royal armie, or anie numbers of men worthy to be called an army into *Ireland*, vntill the thirty six yeare of king *Edward* the thirde, when *Lionell* Duke of *Clarence*, the kings second sonne, hauing married the daughter and heyre of *Ulster*, was sent ouer with an extraordinary power in respect of the time (for the warres betwixt *England* and *Fraunce*, were then in their heate) aswell to recouer his Earledome of *Ulster*, which was then ouer-run & possesst by the Irish, as to reforme the English Colonies, which were become strangely degenerate throughout the whole kingdome.

This  
Charter

**F**OR though king *Henry* the thirde, gaue the whole Land of *Ireland* to *Edward* the Prince, his eldest son, and his heyres, *Ita quod non Separetur a Corona Angliæ*. Whereupon it was styled the Land of the Lorde *Edwarde*, the kings eldest sonne: and all the Officers of the

yet remaineth  
perfect  
with an  
entire

Seale in  
the Treasury  
at Westmin-

*Archib. in* Land, were called the Officers of  
*Castro* *Edward* Lord of IRELAND; and  
*Dublin.* though this *Edward* were one of the  
*& Archib.* most active Princes that euer liued in  
*Turr. 52.* England, yet did he not either in the  
*Hen. 3.* life time of his father, or during  
*patent. m.* his own raig, come ouer in person,  
 9. or transmit any armie into Ireland,

How the  
 martiell  
 affayres  
 were car-  
 ried from  
 the 12  
 yeare of  
 King *Iohn*  
 to the 36  
 yeare of  
 King *Ed-*  
*ward* the  
 3.

but on the other side, he drew sun-  
 dry ayds and supplies of men out of  
*Ireland* to serue him in his warres in  
*Scotland, Wales, and Gascoigne.* And  
 again, though King *Edw:* the second  
 sent ouer *Piers Gaueston* with a great  
 retinue, it was neuer intended he  
 should perfect the Conquest of Ire-  
 land; for the K. could not want  
 his company so long a time, as must  
 haue beene spent in the finishing of  
 so tedious a worke.

So then, in all that space of time,  
 betweene the twelfth yeare of king  
*Iohn*, and the 36. yeare of king *Ed-*  
*ward* the third, containing 150. years,  
 or thereabouts, although there were  
 a continuall bordering war between  
 the

the English and the Irish, there came no royal army out of *England*, to make an end of the warre. But the chiefe Gouvernors of the realme, who were at first called *Custodes Hiberniæ*; and afterwards *Lords Iustices*, and the English Lordes who had gotten so great possessions and Royalties, as that they presumed to make warre and peace without direction from the State, did leuie all their forces within the land. But those forces were *weakely supplied*, and *Ill Governed*, as I said before. Weakly supplied with men and Money; and governed with the worst Discipline that euer was seene among men of warre. And no maruell, for it is an infallible rule, that *an army ill paide is ever unruly, and ill governed*. The standing forces heere, were sildome or neuer re-enforced out of *England*, and such as were either sent from thence, or raised heer, did commonly do more hurt and damage to the *English* Subiects, then to the Irish enemies, by their continuall *Sesse* and *Extortion*. Which

Archiu. in  
Castro  
Dublin.

mischiefe did arise, by reason that little or no Treasure was sent out of *England*, to pay the soldiers wages: Onely the Kings reuennue in Ireland was spent, and wholly spent in the publicke seruice; and therefore, in al the ancient Pipe-Rols in the times of *Henry* the third, *Edward* the first, *Edward* the second, and *Edward* the third, betweene the Receipts and allowances, there is this entrie; *In Thesauro nihil*. For the officers of the State and the Army, spent all; so, as there was no surplusage of Treasure; and yet that *All* was not sufficient. For in default of the Kings pay, aswell the ordinary forces which stood continually, as the extraordinarie, which were leuied by the cheefe Gouvernor, vpon iourneyes, and generall hoastings, were for the most part laid vpon the poore subiect descended of *English* race; howbeit this burden was in some measure tolerable in the time of King *Henry* the third, and King *Edward* the first; but in the time of King *Edward* the second, *Maurice Fitz-Thomas* of *Desmond*,



*Desmond*, being chiefe Commander of  
 the army against the Scots, began that  
 wicked extortion of *Coigne* and *Liuary*,  
 and pay, that is: He & and his army  
 tooke Horse-meate and Mansmeate, *Statut. 10*  
 and money, at their pleasure, without *H. 7. cap.*  
 any Ticket, or any other satisfaction. *4. Rot.*  
 And this was after that time, the ge- *Parliam.*  
 nerall fault of all the Gouvernours and *in Castro*  
 Commanders of the army in this *Dublin.*  
 Lande. Onely the Golden saying of  
 Sir *Thomas Rookesby*, who was Iustice *Annales*  
 in the thirtieth yeare of King *Edward* *Hiberniæ*  
 the 3. is recorded in all the *in Camden.* *Annalles*  
 of this kingdome, *That he would eate in*  
*wodden dishes, but would pay for his*  
*Meat, Gold and Siluer.* Besides, the  
 English Colonies being disperfed in  
 euerie Prouince of this kingdome, were  
 enforced to keep continuall guards  
 vpon the Borders and Marches round  
 about them; which *Guardes*, confisting  
 of idle souldiers, were likewise im-  
 posed as a continuall burthen vppon  
 the poore *English* Free-holders, whome  
 they oppressed and impouerished in the  
 same manner, And because the great  
 English



*Baron  
Finglas  
Manuf.  
Stat. 10.  
H. 7. cap.  
4. Rot.  
Parliam.  
in Caſtro  
Dublin.*

English Lords and Captaines had power to impose this charge, when, and where they pleased, manie of the poore Freeholders, were glad to giue vnto those Lords, a great part of their Lands, to hold the rest free from that extortion: And many others, nōt being able to endure that intollerable oppression, did vtterly quit their freeholds, and returned into *England*. By this meane, the English Colonies grew poore and weake, though the English Lords grew rich and mighty: for they placed Irish Tenants vppon the Landes relinquished by the English; upon them they leuied all Irish exactions; with them they married, and fostered, and made Gossips: so as within one age, the English, both Lords and Free-holders, became degenerate and meer Irish in their Language, in their appa-  
rell, in their armes and maner of fight, and all other Customes of life whatsoeuer.

By

By this it appeareth, why the ex-*Statut. 11.*  
 tortion of *Coigne* and *Linory*, is called *H. 4. cap.*  
 in the old Statutes of *Ireland*, A *Dam-* *6. Baron*  
*nable custome*; and the imposing & *Finglas.*  
 taking thereof, made *High Treason*. *M. S.*  
 And it is saide in an ancient discourse  
*Of the Decay of Ireland*, that though  
 it were first inuented in *Hell*, yet if it  
 had been vsed and practised there, as  
 it hath been in *Ireland*, it had long  
 since destroyed the very kingdome of  
*Belzebub*. In this manner was the  
 warre of *Ireland* carried, before the  
 comming ouer of *Lionel Duke of*  
*Clarence*.

This young Prince, being Earle of  
*Ulster*, and Lord of *Conaght*, in right  
 of his wife (who was daughter and  
 heire of the Lord *William Bourke*, the  
 last Earle of *Ulster* of that family,  
 slaine by treachery at *Knockfergus*) was  
 made the Kings Lieutenant of *Ireland*,  
 and sent ouer with an army, in the  
 year of King *Edward* the third. The  
 Rol and List of which Army, doth  
 remaine

*The Ar-*  
*mie trans-*  
*mitted*  
*with Lio-*  
*nell Duke*  
*of Cla-*  
*rence, the*  
*36. of*  
*Edw. the*  
*3.*

*Archiu.* remaine of Record in the Kings Re-  
*Remem.* membrauncers Office in *England* (in  
*regis apud.* the presse *de Rebus tangentibus Hiber-*  
*Westm.* *niam*) & dooth not containe aboue fif-  
 teene hundred men by the Poll; which  
 because it differs somewhat from the  
 manner of this age, both in respect  
 of the *Command* and the *Entertainment*,  
 I thinke it not impertinent to take a  
 brieve view thereof.

The Lord *Lionel* was Generall, and  
 vnder him *Raulf* earle of *Stafford*,  
*James* Earle of *Ormond*, Sir *Iohn Ca-*  
*rew* Banneret, Sir *William Winsor*,  
 & other knights were Comman-  
 ders.

The entertainment of the Gene-  
 rall vpon his first arriual, was but six  
 shillings eight pence, *per diem*, for  
 himselfe; for five Knights, two shil-  
 lings apeece, *per diem*; for 64.  
 Esquires, xij. d. apeece, *per diem*; for  
 70 Archers, vj. d. apeece, *per diem*.  
 But being shortly after created *Duke of*  
*Clarence* (which honor was conferred  
 vpon

vpon him beeing heere in *Ireland*) his entertainement was raised to xiiij.s. iiij.d. *per diem*, for himselfe, & for 8 Knights, ijs. a peece *per diem*, with an encrease of the numbers of his Archers, viz: 360 Archers on horsebacke, out of *Lancashire*, at vjd. a peece *per diem*, and 23. Archers out of *Wales*, at ij.d. a peece *per diem*.

The Earle of *Staffords* entertainement, was for himselfe vi s. viij.d. *per diem*, for a Banneret, iiij s. *per diem*, for xvij Knights, ijs. a peece *per diem*, for 78. Esquires, xij d. a peece *per diem*, for 100 Archers on horsebacke, vjd. a peece *per diem*. Besides, he had the command of 24. Archers out of *Staffordshire*, 40. Archers out of *Worcestershire*, & six Archers out of *Shropshire*, at iiij d. a peece *per diem*.

The entertainment of *Iames* earle of *Ormond*, was for himselfe iiij s. *per diem*, for two Knights, ijs. a peece  
 2 per



*per diem*, for 27 esquires xij d. a peece  
*per diem*, for 20 *Hoblers* armed (the  
 Irish Horsemen were so called, be-  
 cause they served on *Hobbies*) vj d. a  
 peece *per diem*, and for 20 *Hoblers*  
 not armed, iiij d. a peece *per diem*.

The entertainment of Sir *John Ca-  
 rew* Banneret, was for himselfe iiij s.  
*per diem*, for one Knight, ij s. *per  
 diem*, for eight esquires, xij d. a peece,  
*per diem*, for ten Archers on horsebacke,  
 vj d. a peece *per diem*.

The entertainment of Sir *William  
 Winsore*, was for himselfe ij s. *per diem* :  
 for two Knights, ij s. a peece *per diem* :  
 for 49. Squiers xij d. a peece *per diem*,  
 for six Archers on horseback, vjd. a  
 peece *per diem*.

The like entertainment rateably,  
 were allowed to diuers Knightes and  
 Gentlemen vpon that List, for them-  
 selues and their seuerall retinewes,  
 whereof some were greater, and some  
 lesse, as they themselves coulde raise  
 them



them among their tenants and Followers.

**F**Or in ancient times, the King himselfe did not leuy his armies by his owne immediate authority or Commission, but the Lords and Capitaines did by Indenture Couenant with the King, to serue him in his Wars with certaine numbers of men, for certain wages and entertainments, which they raised in greater or lesse numbers, as they had fauour or power with the people. This course hath been changed in later times vpon good reason of State: For the Barons and Chiefe Gentlemen of the realme, hauing power to vse the Kings prerogatiue in that point, became too popular; whereby they were enabled to raise forces euen against the Crown it self, which since the Statutes made for leuying and mustering of souldiers by the Kings speciall Commission, they cannot so easily performe, if they should forget their duties.

D

This

What service *Lionel Duke of Clarence* performed. *Archib. Turr. 36. Edw. 3. Claus. m. 21. in dorso. m. 30.* **T**His *Lord Lieutenant*, with this small army, performed no great service; & yet upon his coming over, all men who had Land in *Ireland*, were by Proclamation re-maunded backe out of England thither, and both the Clergy and Laity of this land, gaue two yeares profits of all their Landes and Tithes, towards the maintenance of the war heere: only he suppressed some Rebels in *Low Leinster*, and recovered the Maritime parts of his erldome of *Ulster*. But his best service did consist in the well-governing of his army, and in holding that famous Parliament at *Kilkenny*; wherein the extortion of the souldier, and the degenerat maners of the English (briefly spoken of before) were discovered, and Lawes made to reforme the same: which shall be declared more at large heereafter.

Sir William Windsor Lieutenant, 47. Ed. 3. His forces and service.

**T**He next *Lieutenant*, transmitted with any forces out of *England*, was Sir *William Winsore*; who in the

47 yeare of King *Edward* the third, vndertooke the *Custodie*, not the *Conquest*, of this Land (for now the English made rather a *Defensue* then an *inuasiue* war) and withal, to defray the whol charge of the kingdom, for eleauen thousand two hundred thirteene pounds, six shillings and eight pence, as appeareth by the Indenture betweene him and the king, remaining of Record in the Tower of *London*.<sup>47. Edw.</sup>  
 But it appeareth by that which *Frois-*<sup>3. Claus.</sup>  
*sard* reporteth, that Sir *William Win-*<sup>m. 1.</sup>  
*fore* was so farre from subduing the Irish, as that himselfe reported: That he could neuer haue accessse to vnder-<sup>Stow in</sup>  
 stande and know their Countries, al-<sup>Rich. 2.</sup>  
 beit he had spent more time in the seruice of Ireland, then any Englishman then liuing.

**A**ND heere I may well take occa-<sup>The State</sup>  
 sion, to shewe the vanity of of the Re-  
 that which is reported in the Story of *Walsingham*, touching the reuennue of <sup>Ireland,</sup>  
 the Crown in *Ireland*, in the time of <sup>in the</sup>  
 king *Edward* the third. For he set-<sup>Edward</sup>  
 ting<sup>the 3.</sup>

*Walsing-*  
*ham in*  
*Richard*  
*the 2.*

ting forth the State of things there,  
in the time of King *Richard* the 2.  
Writeth thus : *Cum Rex Angliæ illu-*  
*stris, Edwardus tertius illic posuisset*  
*Bancum suum atq; Iudices, cum Scacca-*  
*rio, percepit inde ad Regalem Fiscum*  
*annuatim triginta millia librarum ; mo-*  
*dò propter absentiam ligeorum, & hosti-*  
*um potentiam, nihil inde venit : sed Rex*  
*per annos singulos, de suo Marsupio,*  
*terræ defensoribus soluit Triginta millia*  
*marcarum, ad regni sui dedecus et fisci*  
*grauissimum detrimentum.*

*Archiu.*  
*Turr.*

11. H. 3.  
patent m.  
3.  
21. Ed. 3.  
m. 41.

If this Writer had knowne, that  
the Kings Courts had beene establish-  
ed in Ireland more then a hundred  
yeares before King *Edw. 3.* was  
borne, or had seene eyther the Par-  
liament Rols in *England*, or the Re-  
cords of the Receits and yssues in  
Ireland, he had not left this vaine  
report to posterity. For both the  
Benches and the Exchequer were  
erected in the twelfth year of King  
*John.* And it is recorded in the  
Parliament Rols of 21. of Edward the  
third,



third, remaining in the Tower, that the Commons of England made petition that it might be enquired why the King receiued *no benefit* of his land of Ireland, considering he possessed more there, then any of his Ancestors had before him. Now, if the King at that time, when there were no Standing forces maintained there, had receiued 30000. pound yearly at his Exchequer in *Ireland*, he must needs haue made profit by that land, considering that the whole charge of the kingdome in the 47. yeare of *Edward* the third (when the King did pay an army there) did amount to no more than eleuen thousand and two hundred pounds, *per 47. Ed. 3. annu*, as appeareth by the contract *claus. pers. 2. m. 24. & 26.* of Sir *William Winsore*.

Besides, it is manifest by the Pipe-Rolles of that time, whereof many are yet preserved in *Breminghams* Tower; and are of better credite then any Monkes story, that during the raigne of King *Edward* the third, the reue-

*Archiu. in  
Castro  
Dublin.*



*Hollings-  
head in  
R. 2.*

*Archib. in  
Castro  
Dublin. 5.  
Ed. 3.*

new of the Crowne of Ireland, both certaine and casuall, did not rise vnto 10000. li. *per annum*, though the *Medium* be taken of the best seauen years that are to bee found in that Kinges time. The like Fable hath *Holling shead* touching the reuennue of the Earledome of *Vlster*; which (saith hee) in the time of king *Richard* the second was thirty thousand Markes by the yeare; whereas in truth, though the Lordships of *Conaght* and *Melb* (which were then parcell of the inheritance of the Earle of *Vlster*) be added to the accompt, the reuennue of that earledome came not to the thirde part of that he writeth. For the Accompt of the profits of *Vlster* yet remayning in *Breminghams* Tower, made by *William Fitz-warren*, Sene-shall and Farmour of the Landes in *Vlster*, seized into the Kings hands after the death of *Walter de Burgo*, Earle of *Vlster*, from the fifth yeare of *Edward* the third, vntill the eight Yeare, doe amount but to 900. and odde pounds, at what time the Irishry had not made so great an inuasion vpon the  
the

the earledom of *Ulster*, as they had done in the time of King *Richard* the second.

As vaine a thing it is, that I haue seen written in an ancient *Manuscript*, touching the Customes of this realme in the time of King *Edward* the third, that those duties in those daies should yearely amount to 10000. Markes, which by mine owne search and view of the Records heere, I can justly controll. For vppon the late reducing of this ancient inheritance of the crown which had beene detained in most of the Port Townes of this Realme, for the space of a hundred yeares and vppwardes, I tooke some paines (according to the duty of my place) to visit all the Pipe-Rolles, wherein the Accompts of Customes are contained, and found those duties answered in euery Port, for 250. Yeares together, but did not find that at any time they did exceed a thousand pound, *Per annum*; and no maruel, for the subsidie of Pondage was not then known,  
and.

and the greatest profite did arise by the Cocquet of Hides; for Wooll, and Wooll-fells were euer of little value in this Kingdome.

But now againe let vs see how the Martiall affayrs proceeded in Ireland. Sir *William Winsor* continued his government till the latter end of the raign of King *Edward* the thirde, keeping, but not enlarging, the English borders.

How the war proceeded in the time of K. Richard the

2.

3. Rich. 2.

*Archiu.*

*Turr.*

*Rot. Par-*

*liam.* 42.

**I**N the beginning of the raigne of King *Richard* the second, the State of *England* began to thinke of the recouery of Ireland: For then was the first Statute made against *Absentees*, commanding al such as Land in *Ireland*, to returne and reside thereupon, vppon paine to forfeite two third parts of the profit thereof. Again, this King, before himselfe intended to passe ouer, committed the Gouvernement of this Realme to such great Lordes successiuelly, as he did most loue and fauer: first to the Earle of

of *Oxford* his Cheefe Minion; whom he created Marquesse of *Dublin*, and Duke of *Ireland*: next to the Duke of *Surrey* his halfe Brother: and lastly, to the Lord *Mortimer*, Earle of *March* and *Vlster*, his Cofin and heyre apparent.

Among the Patent Rolles in the Tower, the ninth yeare of *Rich.* the <sup>*Pat. 2.*</sup> 2. we finde five hundred men at <sup>*parf. 9.*</sup> Armes at xii. d. a peece, *Per diem*; <sup>*Rich. 2.*</sup> and a 1000. Archers at vi. pence a piece, *per diem*, appointed for the Duke of *Ireland*, *Super Conquestu illius terræ per duos annos*: for those are the wordes of that Record; But for the other two Lieutenants, I do not find the certain numbers, whereof their armies did consist. But certaine it is, that they were scarce able to defend the English borders, much lesse to reduce the whol Island. For one of them; namely, the Earle of *March* was himselfe slain vpon the borders of *Metb*; for reuenge of whose death, the King himselfe made his second voyage



voyage into *Ireland*, in the last yeare  
 of his raigne. For his first voyage in  
 the eighteenth yeare of his raigne,  
 (which was indeed a Voyage-Royal)  
 was made vpon another motiue and  
 occasion, which was this; Vpon the  
 vacancy of the Empire, this King hau-  
 ing married the King of *Bobemiaes*  
 Daughter (whereby hee had great  
 alliance in *Germany*) did by his Am-  
 bassadors solicit the Princes Electors  
 to choose him Emperour: but another  
 being elected, and his ambassadors  
 returned, hee would needes know of  
 them the cause of his repulse in that  
 Competition: they tolde him plainly,  
 that the princes of *Germanie* did not  
 thinke him fit to commaund the Em-  
 pire, who was neither able to hold that  
 which his Ancestours had gained in  
*France*, nor to rule his insolent Sub-  
 jects in *England*, nor to Maister his  
 rebellious people of *Ireland*. This  
 was enough to kindle in the heart of  
 a young Prince, a desire to performe  
 some great enterprife. And therefore  
 finding it no fit time to attempt *France*,  
 he

*Walsing-*  
*ham in Ri-*  
*chard the*  
*2.*

*Annales.*  
*Tho. Ot-*  
*terbourne*  
*Manu-*  
*script.*



he resolved to finish the Conquest of *Ireland*; and to that end, he leuied a mightie armie, consisting of foure thousand men at Armes, and 30000. Archers, which was a sufficient power to haue reduced the whol Island, if he had first broken the Irish with a warre, and after established the English Lawes among them, and not haue beene satisfied with their light submissions onley, wherewith, in all ages they haue mockt and abused the State of England. But the Irish Lords knowing this to be a sure policie to dissolue the forces which they were not able to resist (for their Ancestors had put the same trick and imposture vppon King *Iohn*, and King *Henry* the second) as soone as the King was arrived with his army, which he brought ouer vnder *S. Edwards* Banner (whose name was had in great veneration amongst the Irish) they all *Stow in* made offer to submit themselves. *Rich. 2.* Whereupon the Lorde *Thomas Mowbray*, Earle of *Nottingham*, and Marshall of *England*, was authorized by

*Archiu. in officio Re-  
memorat.  
regis apud  
Westmon.* speciall Commission, to receiue the  
homages and Oaths of fidelity, of all  
the Irishrie of *Leinster*. And the King  
himself hauing receiued humble Let-  
ters from *Oneale* (wherein hee styleth  
himselfe Prince of the Irishry in *Vlster*,  
and yet acknowledgeth the King to be  
his Souereign Lorde, & *perpetuus  
Dominus hibernia*) remoued to *Drog-  
beda*, to accept the like submissions  
from the Irish of *Vlster*. The men of  
*Leinster*, namely, *Mac Murrough*, *O  
Byrne*, *O Moore*, *O Murrough*, *O No-  
lan*, and the cheefe of the *Kinsbelaghes*,  
in an humble and solemn manner did  
their homages, and made their Oaths  
of fidelity to the Earle Marshall, lay-  
ing aside their girdles, their skeins  
and their caps, and falling downe at  
his feet vpon their knees. Which when  
they had performed, the Earle gaue  
vnto each of them, *Osculum pacis*.

Besides, they were bound by several  
Indentures, vpon great paines to bee  
paid to the Apostolique Chamber, not  
onely to continue loyall subjects, but  
that

that by a certaine day prefixed, they and all their Sword-men should clearely relinquish and giue vp vnto the King and his successors all their Landes and possessions which they held in *Leinster*, and (taking with them only their moueable goods) should serve him in his warres against his other Rebels. In consideration whereof, the King should giue them pay and pensions during their liues, and bestow the inheritance of all such lands vpon them, as they shoulde recouer from the Rebels, in any other part of the Realme. And thereupon, a pension of eighty Markes, *per annum*, was graunted to *Art' Mac Murrogh*, chiefe of the *Kauanages*; the Enroulement whereof, I found in the White Booke of the Exchequer heere. And this was the effect of the seruice performed by the Earle *Marshall*, by vertue of his Commission. The King in like manner receiued the submissions of the Lords of *Ulster*, namely; *O Neal*, *O Hanlon*, *Mac Donel*, *Mac Mahon*; and others; who with the

E                      like

like Humility and Ceremony, did homage and fealtie to the Kings owne person; the words of O *Neales* homage as they are recorded are not vnfit to be remembered: *Ego Nelanus [Oneal Senior tam pro meipso, quam pro filiis meis, & tota Natione mea & Parentelis meis, & pro omnibus subditis meis deuenio Ligeus homo vester, &c.* And in the Indenture betweene him and the King, he is not onely bound to remaine faithfull to the Crowne of England, but to restore the *Bonaght* of *Ulster*, to the Earle of *Ulster*, as of right belonged to that Earledome, and vsurped among other things by the *Oneales*.

These Indentures and submissions, with many other of the same kinde (for there was not a Chieftaine or head of an Irish sept, but submitted himselfe in one forme or other) the King himselfe caused to be enrolled and testified by a Notary publique, and deliuered the enroulements with his owne hands to the Byshop of *Salisbury*,  
then



then Lord Treasurer of *England*, so as they haue beene preserved, and are now to be found in the Office of the Kings Remembrancer there.

With these humilities they satisfied the young King, and by their bowing and bending, auoyded the present storme, and so brake that Army, which was prepared to breake them. For the King hauing accepted their submissions, receiued them in *Oscula pacis*, feasted them, and having giuen the honour of Knighthood to diuers of them, did breake vp and dissolue his armie, and returned into *England* with much honor, and smal profit, (saith *Froissard*.) For though he had spent a huge masse of Treasure in transporting his army, by the countenance whereof, he drew on their submissions, yet did hee not encrease his reuennew thereby one sterling pound, nor enlarged the *English* borders the bredth of one Acre of Land; neither did he extend the Iurisdiction of his Courtes of Justice one foote further then the English



Colonies, wherein it was vsed and exercis'd before. Besides, he was no sooner returned into *England*, but those *Irish* Lords laid aside their maskes of humility, and scorning the weake forces which the King had left behinde him, beganne to infest the borders; in defence whereof, the Lord *Roger Mortimer* being then the Kings Lieutenant, and heire apparent of the Crowne of *England*, was slaine, as I said before. Whereupon the king being moued with a just appetite of reuenge, came over againe in person, in the 22. yeare of his raigne, with as potent an armie, as he had done before, with a ful purpose to make a full Conquest of *Ireland*: he landed at *Waterford*, and passed from thence to *Dublin*, through the wast Countries of the *Murrogbes*, *Kinsbela-gbes*, *Cauanagbes*, *Birnes*, and *Tooles*, his great armie was much distressed for want of victuals and carriages, so as he performed no memorable thing in that journey; onely in the *Cauanagbes* Countrey, hee cut and cleared the

the paces, and bestowed the honor of  
 Knighthood vpon the Lord *Henry*,  
 the Duke of *Lancasters* son, who was  
 afterwards King *Henrie* the fiste,  
 and so came to *Dublin*, where entring *Hollingsf-*  
 into Counsell how to procede in the *head in*  
 warre, he receiued newes out of *Eng- Richard*  
*land*, of the arriuall of the bannished *the 2.*  
 Duke of *Lancaster* at *Rauenspurgh*,  
 vsurping the Regall Authority, and  
 arresting and putting to death his  
 principall Officers.

This aduertisement suddainely brake  
 off the kings purpose touching the  
 profecution of the warre in Ireland,  
 and transported him into England,  
 where shortly after hee ended both his  
 raigne and his life. Since whose time,  
 vntill the 39. yeare of *Q. Elizabeth*,  
 there was neuer any armie sent ouer  
 of a Competent strength or power to  
 subdue the Irish, but the warre was  
 made by the English Colonies, onely  
 to defend their borders; or if any  
 forces were transmitted ouer, they  
 were sent only to suppress the rebel-  
 lions

lions of such as were descended of English race, and not to enlarge our Dominion ouer the Irish.

*Henry 4.*

*The Lord Thomas of Lancaster his seruice.*

**D**Vring the raigne of King *Henrie* the fourth, the Lord *Thomas* of *Lancaster* the Kings second sonne, was Lieutenant of *Ireland*, who for the first eight yeares of that Kings raign, made the Lord *Scroope*, and others his Deputies, who only defended the Marches with forces leuied within the Land. In the eight yeare that Prince came ouer in person with a small retinue. So as wanting a sufficient power to attempt or performe any great seruice, he returned within seuen moneths after into *England*. Yet during his personall abode there, he was hurt in his owne person within one mile of *Dublin*, vpon an incounter with the Irish enemy. He tooke the submissions of *O Birne* of the Mountaines, *Mac Mahon*, and *O Rely*, by severall Indentures, wherein *O Birne* doth covenant, that the King shall quietly enjoy the Mannor of *New-Castle*;

*Archiu.  
Rememo-  
rat. regis  
apud  
Westm.*

*Castle* ; *Mac Mabon* accepteth a State in the *Ferny* for life, rendering ten pound a yeare ; and *O Rely* doth promise to performe such duties to the Earle of *March* and *Ulster*, as were contained in an Indenture dated the 18. of *Richard* the second.

**I**N the time of K. *Henrie* the fift, *Henry 5.* there came no forces out of *England*. Howbeit the Lord *Furnival* The being the kings Lieutenant, made a Lorde martial circuit, or journey, round Furniuall about the Marches and Borders of the his seruice. Pale, and brought all the Irish to the *Alb. libr.* Kings Peace, beginning with the *Scacc.* *Birnes*, *Tooles*, and *Cauanagh*es on the *Dublin.* South, and so passing to the *Moores*, *O Connors*, and *Offerals* in the West ; and ending with the *O Relies*, *Mac Mabons*, *O Neales*, and *O Haulons* in the North. Hee had power to make them seeke the Kings peace, but not power to reduce them to the Obedience of Subjects : yet this was then held so great and worthy a seruice, as that the Lords & chiefe Gentlemen.



men of the Pale, made certificate thereof in French vnto the King, being then in *France*: which I haue seen Recorded in the *white Booke* of the Exchequer at *Dublin*. Howbeit his Armie was so ill paid and gouerned, as the English suffered more dammage by the Sesse of his Souldiers (for now that Monster (*Coigne*, and *Liuerie*) which the Statute of *Kilkenny* had for a time abolished, was risen againe from hell) then they gained profit or security, by abating the pride of their enemies for a time.

Henry 6.

**D**Vring the minority of King *Henry* the sixt, and for the space of seuen or eight yeares after, the Lieutenants and Deputies made only a bordering warre vpon the Irish, with small and scattered forces; howbeit, because there came no treasure out of *England* to pay the Soldier, the poore English subiect, did beare the burthen of the men of warre in euery place, & were thereby so weakned



and impouerished, as the State of thinges in Ireland, stood very desperate.

Wherevpon, the Cardinall of *Winchester* (who after the death of *Humfrey* Duke of *Glocester*, did wholly sway the State of *England*) beeing desirous to place the Duke of *Somerſet* in the Regencie of *Fraunce*, tooke occasion to remooue *Richard* Duke of *Yorke* Richard Duke of Yorke his seruice. from that gouernment, and to ſend him into *Ireland*, pretending that hee was a moſt able and willing perſon, to performe ſeruice there, becauſe he had a great inheritance of his owne in *Ireland*; namely, the Earledom of *Vlſter*, and the Lordſhips of *Conaght* & *Meath*, by diſcent from *Lionell* Duke of *Clarence*.

We do not finde that this great Lord came ouer with any numbers of waged ſouldiers, but it appeareth vpon what good termes hee tooke that Gouernment, by the Couenants betweene

*Archiu. in  
Castro  
Dublin.*

tweene the King and him, which are recorded and confirmed by Acte of Parliament in Ireland, and were to this effect :

1. That he should be the Kings Lieutenant of *Ireland*, for ten yeares.
2. That to support the charge of that Countrey, he should receiue al the kings reuennewes there, both certaine and casual, without accompt.
3. That he should bee supplied also with treasure out of *England*, in this maner ; he should haue four thousand Markes for the first yeare, whereof he should bee imprested 2000 li. before hand ; and for the other nine yeares, hee should receiue 2000 li. *per annum*.
4. That hee might Let to Ferme the Kinges Landes, and place and displace all Officers at his pleasure.
5. That

5. That he might leuy and wage what numbers of men, he thought fit.
6. That he might make a Deputy, and returne at his pleasure.

We cannot presume that this Prince kept any great army on foote, aswell because his means out of *England* were so meane, and those ill paide, as appeareth by his passionate letter written to the Earl of *Salisbury* his brother in Law; the Coppy whereof, is Registered in the Story of this time: as *Holling-* also because the whole Lande, except *head in* the English Pale, and some part of the *Henry the* Earledome of *Ulster*, vppon the Sea-*sixt.* Coasts, were possesst by the Irish. So as the Reuennue of the Kingdome, which he was to receiue, did amount to little. He kept the Borders & Marches of the Pale with much adoo; he held many Parliaments, wherein fundry Lawes were made, for erecting of Castles in *Louth*, *Meth*, and *Kildare*, to stop the incursions of the Irishrie.

*Rot. Par-  
liam. in  
Castro  
Dublin.*

Irishrie. And because the souldiers for want of pay were fessed and laide vpon the subiects against their wiles; vpon the prayer and importunitie of the Commons, this extortion was declared to be *High-Treason*. But to the end, that some meanes might be raised to norish some forces for defence of the Pale, by another Acte of Parliament, euerie twenty pound Land was charged with the furnishing and maintenance of one Archer on horsebacke.

*Archiu.  
Tur. 17.  
Hen. 6.  
Clauf. m.  
20.*

Besides, the natiue subiects of *Ireland* seeing the kingdome vtterly ruined, did passe in such numbers into *England*, as one Law was made in *England*, to transmit them backe againe; and another Law made heere to stop their passage in euery Port & creeke. Yet afterwards, the greatest partes of the Nobility and Gentry of *Meth*, past ouer into *England*, and were slaine with him at *Wakefield* in *Yorkshire*.

*Manu-  
script of  
Baron  
Finglas.*

Lastly,

Lastly, the state of England was so farre from sending an army to subdue the Irish at this time, as among the Articles of greeuances exhibited by the Duke of *Yorke* against K. *Henry* Hollings- the sixte, this was one; That diuers head in Lords about the King, had caused his Hen. 6. Highnesse to write Letters vnto some of his Irish enemies; whereby they were encouraged to attempt the conquest of the said Land. Which Letters, the same Irish enemies had sent vnto the Duke; maruailing greatlie, that such Letters should be sent vnto them, and speaking therein great shame of the Realme of *England*.

After this, when this great Lorde was returned into *England*, and making claime to the Crowne, beganne the Warre betwixt the two Houses; It cannot bee conceiued, but that the kingdome fell into a worse and weaker estate.

F

When



*Edward 4*  
*How the*  
*war was*  
*maintai-*  
*ned in the*  
*time of*  
*King Ed-*  
*ward the*  
*4.*

**W**Hen *Edward* the fourth was  
 settled in the kingdome of  
 England, he made his Brother *George*  
 Du. of *Clarence*, Lieutenant of *Ire-*  
*land*. This Prince was born in the  
 Castle of *Dublin*, during the Gouvern-  
 ment of his Father the Duke of  
 Yorke; yet did hee neuer passe ouer  
 into this kingdome, to gouerne it in  
 person, though hee held the Lieu-  
 tenancie many yeares. But it is ma-  
 nifest, that King *Edward* the fourth  
 did not pay any army in Ireland du-  
 ring his raigne; but the men of war  
 did pay themselves by taking Coigne  
 and Liuey vppon the Countrey:  
 which extortion grew so excessiue and  
 intollerable, as the Lord *Tiptoft* being  
 Deputy to the Duke of *Clarence*, was  
 enforced to execute the Law vppon  
 the greatest Earle in the Kingdome;  
 namely, *Desmond*; who lost his head  
 at *Drogheda* for this offence. How-  
 beit, that the State might not seeme  
 vtterly to neglect the defence of the  
 Pale, there was a fraternity of men at

*Hollings-*  
*head in*  
*Edward*  
*the 4.*  
*Booke of*  
*Howth.*  
*Manuf.*

The fra-  
 ternity of  
 Saint  
 George  
 in Ire-  
 land.

I

armes,

armes, called *the Brother-hood of S. George*, erected by Parliament, the 14. 14. of  
of *Edward* the fourth, consisting of <sup>Edw. 4.</sup> *thirteene* the most Noble and woorthy <sup>Rot. Par-</sup>  
persons within the foure shires. Of the <sup>liam.</sup> *first* foundation, were *Thomas* Earle  
of *Kildare*, *Sir Rowland Eustace*,  
Lord of *Port-lester*, and *Sir Robert*  
*Eustace* for the County of *Kildare*;  
*Robert* Lord of *Howth*, the Maior  
of *Dublin*, and *Sir Robert Dowdall*,  
for the County of *Dublin*; the Vicount  
of *Gormauston*, *Edward Plunket*, Se-  
neshall of *Meth*; *Alexander Plunket*,  
and *Barnabe Barnewale*, for the County  
of *Meth*; the Maior of *Drogheda*,  
*Sir Lawraunce Taaffe*, and *Richard*  
*Bellewe*, for the Countie of *Lowth*.  
These and their successors, were to  
meet ycarely vpon *S. Georges* day; and  
to choose one of themselues to be  
Captaine of that Brother-hood, for  
the next yeare to come. Which  
Captaine, shold haue at his commaund,  
120. Archers on horsebacke, 40. horse-  
men, and forty Pages, to suppressse  
Out-lawes and rebels. The Wages

of euery Archer, should be vj. pence, *Per diem*; & euery horseman, v.d. *Per diem*; and foure Markes, *Per annum*. And to pay these entertainments, and to maintain this new fraternity, there was granted vnto them by the same Act of Parliament a subsidie of Pondage, out of all Marchandizes exported or imported thoroughout the Realme (hydes, and the goods of Free-men of *Dublin & Drogheda* onely excepted.) These 200. men were al the standing forces that were then maintained in Ireland. And as they were Natiues of the kingdom, so the kingdom itselfe did pay their wages without expecting any treasure out of *England*.

*Henrie 7.*

How the  
war was  
prosecu-  
ted in the  
time of  
King  
Henry  
the 7.

**B** Ut now the warres of *Lancaster* and *Yorke* being ended, and *Henrie* the seuenth being in the actuall & peaceable possession of the kingdom of *England*, let vs see if this King did send ouer a Competent Armie to make a perfect Conquest of *Ireland*. Assuredly, if those two Idolles or counterfets

counterfets which were set vp against him in the beginning of his raign, had not found footing and followers in this Lande, King *Henrie* the seuenth had sent neither horse nor foote hither, but let the Pale to the Guard and defence of the fraternitie of *Saint George*, which stood till the tenth year of his raigne. And thereupon, vpon the erection of the first Idoll, which was *Lambert* the Priests Boy, he transmitted no forces, but sent ouer Sir *Richard Edgecomb*, with Commission *Archiu.* to take an Oath of allegiance of al *Remem.* the Nobility, Gentry, and Cittizens *Regis a* of this kingdom; which seruice he *pud.* performed fully, and made an exact *Westm.* returne of his Commission to the King. And immediately after that, the King sent for all the Lordes of Parliament in this realme; who re- *The* payring to his presence, were first in *Booke of* a Kingly manner reprooued by him; *Howth.* for among other things he told them, *Manuf.* that if their King were still absent from them, they would at length Crowne Apes; but at last entertained

F 3

them,



*Hollings-  
head in  
Henrie  
the 7.  
Sir Ed-  
ward  
Poynings  
serviuce.*

*Rot. Par-  
liam. in  
Castro  
Dublin.*

them, and dismissed them graciously. This course of clemency hee held at first. But after, when *Perkin Warbecke*, who was set vp, and followed chiefly by the *Giraldines* in *Leinster*, and the Cittizens of *Corke* in *Mounster*; to suppress this counterfaite, the King sent ouer Sir *Edward Poynings*, with an Army (as the Histories call it) which did not consist of a thousand men by the Pol; and yet it brought such terrour with it, as all the Adherents of *Perkin Warbecke* were scattered, and retyred for succour into the Irish Countries: To the marches whereof, hee marched with his weake forces, but eft-soones returned & held a Parliament. Wherin among many good Lawes, one Act was made; That no subiect shold make any warre or peace within the Land, without the speciall License of the Kings Lieutenant or Deputie. A manifest argument, that at that time the bordering Warres in this kingdome, were made altogether by Voluntaries, vpon their own head, with-

out



out any pay or entertainment, and without any Order or Commission from the State. And though the Lords and Gentlemen of the Pale, in the 19. yeare of this Kings raigne, ioyned the famous battel of *Knocktow* in *Conaght*; wherein *Mac William*, with 4000. of the Irish, and degerat English were slaine; yet was not this iourney made by warrant from the King, or vppon his charge (as it is expresse in the Booke of *Howth*) but only vpon a priuate quarrell of the Earle of *Kildare*: so loosely were the martiall affaires of *Ireland* carried, during the raigne of King *Henry* the seventh.

**I**N the time of King *Henry* the eighth, the Earle of *Surrey*, Lorde Admirall, was made Lieutenant; and though he were the greatest Captain of the English Nation then living, yet broght he with him rather an honorable Guard for his person, then a competent armie to recouer *Ireland*. For he had in his retinue, 200. tall Yeomen

The Earle of Surries  
service. Yeomen of the Kings Guard : But because hee wanted meanes to per-

forme any great action, hee made means to returne the sooner: yet in the mean time he was not ydle, but passed the short time he spent heere, in holding a Parliament, and diuers iournies against the rebels of *Leinster*; insomuch as he was hurt in his own person, vpon the borders of *Leix*. After the reuocation of this honourable personage, King *Henry* the eight, sent no forces into *Ireland*, till the rebellion of the *Giraldines*, which hapned in the 27. year of his raigne. Then sent he ouer Sir *William Ske-nington*, with five hundred men onely to quench that fire, and not to enlarge the border, or to rectifie the Gouvernment. This Deputy dyed in the midst of the service, so as the Lord *Leonard*

The Lord Leonard  
Grayes  
service. *Gray* was sent to finish it: who arriuing with a supply of 200 men, or thereabouts, did so prosecute the Rebels, as the Lord *Garret* their Chieftaine, and his five Vnckles, submitted them-selues vnto him, and were

were by him transmitted into England.

But this service being ended, that actiue Nobleman with his little army, and some ayds of the Pale, did oftentimes repell *O Neale*, and *O Donel*, attempting the inuasion of the Ciuill Shires, and at last made that prosperous fight at *Belaboo*, on the Confines of *Meib*; the memory whereof, is yet famous, as that he defeated (well-nie) all the power of the North; & so quieted the border for many yeares.

The fight  
at *Bela-  
boo*.

Booke of  
*Howth*.  
*Manuf*.

Hitherto then it is manifest, that since the last transfretation of King *Richard* the second, the Crowne of England neuer sent ouer, either numbers of men, or quantities of treasure, sufficient to defend the small Territory of the Pale, much lesse to reduce that which was lost, or to finish the Conquest of the whole Island.

After

Sir An-  
thonie  
Saint Le-  
ger.

Sir Ed-  
ward Bel-  
lingham,  
in the  
time of  
K. Edw.  
the 6.

*Archiu.  
Remem.  
Regis apud  
Westm.*

Tho:  
Earle of  
Suffex, in  
the time  
Qu. Mary.

After this, Sir *Anthony St. Leger*, was made chiefe Gouvernor, who performed great service in a civill course, as shall be expressed heereafter. But Sir *Edward Bellingham*, who succeeded him, proceeded in a Martiall course against the Irishry, and was the first Deputy, from the time of K. *Edward* the third, till the raign of king *Edward* the sixt, that extended the border beyond the limits of the English Pale, by beating and breaking the *Moores* and *Connors*, and building the Forts of *Leix* and *Offaly*. This service he performed with sixe hundred horse; the monthly charge whereof, did arise to 770. li. And 400. foote, whose pay did not amount to 446. li. *per mensem*; as appeareth vpon the Treasurers accompt, remaining in the Office of the Kinges Remembrauncer in England. Yet were not these Countries so fully recovered by this Deputy, but that *Thomas* Earle of *Suffex* did put the last hand to this worke; and rooting out these two rebellious

rebellious *Septs*, planted English Colonies in their roomes, which in all the tumultuous times since, haue kept their Habitations, their Loyalty, and Religion.

And now are we come to the time of Queene *ELIZABETH*, who sent <sup>Queene</sup> ouer more men, and spent more trea- <sup>Elizabeth.</sup> sure to saue and reduce the Lande of *Ireland*, then all her progenitors since the Conquest.

**D**Vring her raigh, there arose How the three notorious and maine Re- War was bellions, which drew seuerall armies <sup>profecuted</sup> out of England. The first of *Shane* <sup>in the</sup> *O Neale*; the second, of *Desmond*; <sup>time of</sup> the last of *Tyrone*; (for the particular <sup>Qu. Eliz-</sup> *abeth.* insurrections of the Vicount *Baltin-glasse*, and Sir *Edmund Butler*; the *Moores*; the *Cauanaghes*; the *Birnes*, and the *Bourkes* of *Conaght*, were all suppressed by the standing forces heere.)

To



*Shane O Neales Rebellion.* To subdue *Shane O Neal*, in the hight of his rebellion, in the yeare, 1566. Captaine *Randal* transported a Regiment of 1000. men into *Vlster*, & planted a Garrison at *Loughfoile*. Before the comming of which supply (viz:) in the yeare, 1565. the List of the standing army of horse and foot, English and Irish, did not exceed the number of 1200. men, as appeareth by the Treasurers accompt of Ireland, now remaining in the Exchequer of England. With these forces did Sir *Henry Sidney* (then Lord Deputy) march into the farthest parts of *Tirone*, and joyning with Captaine *Randal*, did much distresse (but not fully defeate) *O Neale*, who was afterwards slain vpon a meere accident by the Scottes, and not by the queenes army.

*Desmonds Rebellion.* **T**O prosecute the Warres in *Munster*, against *Desmond* and his Adherents, there were transmitted out of *England* at seuerall times, three or four

four thousand men, which together, with the standing Garrisons, and some other supplies raised heere, made at one time, an army of six thousand & vpwards : which with the Vertue and Valour of *Arthur Lorde Gray*, and others the Commanders, did proue a sufficient power to extinguish that rebellion. But that being doone, it was neuer intended that these forces should stand, till the rest of the kingdom were settled and reduced : onely, *Tyrone* that army which was brought ouer by Rebellion. the Earle of *Essex*, Lorde Lieutenant and Gouvernor generall of this kingdom, in the 39. yeare of Queen *Elizabeth*, to suppress the Rebellion of *Tirone*, which was spred vniuersally ouer the whole Realme : That armie, I say (the command whereof, with the gouernment of the Realme, was shortly after transferred to the commaund of the Lord *Mountjoy*, afterwards Earl of *Deuonsshire*, who, with singular wisdom, valour and industry, did prosecute & finish the Warre) did consist of such good men

G

of

of warre, and of such numbers, being wel-ny 20000. by the Pol, and was so royally supplied and paid, and continued in full strength so long a time, as that it brake, and absolutely subdued all the Lordes and Chiefetaines of the Irishry, and degenerate or rebellious English. Whereupon, the multitude, who euer loued to bee followers of such as could master and defend them, admyring the power of the Crowne of England, being brai'd (as it were) in a Morter, with the *Sword, Famine, & Pestilence* altogether, submitted themselues to the English Gouernment, receiued the Lawes and Magistrates, and most gladly embraced the Kings pardon and peace in all parts of the Realme, with demonstration of ioy and comfort; which made indeede, an entire, perfect, and final Conquest of *Ireland*. And though vpon the finishing of the warre, this great armie was reduced to lesse numbers, yet hath his Maiestie in his Wisedome, thought it fit, stil to maintaine such competent forces heere, as  
the

the Law may make her progresse & Circuit about the Realme, vnder the protection of the sword (as *Virgo*, the figure of Iustice, is by *Leo* in the *Zodiack*) vntil the people haue perfectly learned the Lesson of Obedience, & the Conquest bee established in the hearts of all men.

**T**Hus farre haue I endeavoured to make it manifest, that from the first aduenture and attempt of the English (to subdue and conquer Ireland) vntill the last warre with *Tyrone*, (which as it was royally vndertaken, so it was really prosecuted to the end) there hath bin foure maine defects in Four the carriage of the martiall affayres maine defects in heere. First, the armies for the most parts in part, were too weake for a Conquest: the prosecution Secondly, when they were of a competent strength (as in both the iour-warre. of the nies of *Richard* the second) they were too soone broken vp and dissolued: Thirdly, they were ill paid: And fourthly, they were ill Governed, which



which is alwayes a consequent of ill payment.

Why none  
of the  
Kinges of  
England,  
before  
Queene  
*Elizabeth*,  
did finish  
the con-  
quest of  
Ireland.

**B**VT why was not this great worke perfourmed, before the latter end of Queene *Elizabeths* raigne, considering that many of the Kings her Progenitors, were as great Captaines as any in the world, and had else-where larger Dominions and Territories? First, who can tell whither the Diuine Wisedom, to abate the glory of those Kings, did not reserue this Worke to be done by a Queen, that it might rather appeare to be his owne immediate worke? And yet for her greater Honor, made it the last of her great actions, as it were, to Crowne al the rest? And to the end, that a secure peace might settle the Conquest, and make it firme and perpetuall to posteritie; caused it to bee made in that fulnesse of time, when *England* and *Scotland* became to be vnited vnder one imperiall Crowne; and when the Monarchy of Great *Britainy* was in league  
&



& amity with all the worlde. Besides, the Conquest at this time, doth perhaps fulfill that prophesie, wherein the four great Prophets of Ireland do concur, as it is recorded by *Giraldus Cambrensis*; to this effect: That after the first inuasion of the English, they shold spend many ages, in *crebris con-*<sup>*Giraldus*</sup>  
*fiētibus, longoque certamine & multis*<sup>*Cambren-*</sup>  
*cædibus.* And that, *Omnes fere An-*<sup>*sis.*</sup>  
*glici ab Hibernia turbabuntur: nihilomi-*  
*nus orientalia maritima semper obtine-*  
*bunt; Sed vix paulo antè diem Iuditij;*  
*plenam Anglorum populo victoriam com-*  
*promittunt; Insula Hibernica de mari*  
*vsque ad mare de toto subacta & inca-*  
*stellata.* If *S. Patrick* and the rest did not vtter this prophesie; certainly *Giraldus* is a Prophet, who hath reported it. To this, we may adde the prophesie of *Merlin*, spoken of also by *Giraldus.* *Sextus mænia Hiberniæ sub-*  
*uertet, & regiones in Regnum redigen-*  
*tur.* Which is performed in the time of King *Iames* the sixt; in that all the paces are cleared, and places of fast-

nesse laid open, which are the proper Wals & Castles of the Irish, as they were of the British in the time of *Agricola*; and withal, the Irish Countries beeing reduced into Counties, make but one entire and vndeuided kingdome.

But to leaue these high & obscure causes, the plaine and manifest trueth is; that the Kings of *England* in al ages, had bin powerfull enough, to make an absolute conquest of *Ireland*, if their whole power had been employed in that enterprize: but still there arose fundry occasions, which diuided and diuerted their power som other way.

How the  
seuerall  
Kings of  
England  
were di-  
uerted  
from the  
conquest  
of Ire-  
land.

Let vs therefore take a brieve view of the seuerall impediments which arose in euery Kinges time, since the first ouerture of the Conquest, whereby they were so employed and busied, as they could not intend the finall Conquest of *Ireland*.

King

**K**ing *Henrie* the second, was no *King Hen-*  
 sooner returned out of *Ireland*, *rie 2.*  
 but all his foure Sonnes conspired with  
 his enemies, rose in Armes, and moo-  
 ued warre against him, both in *France*  
 and in *England*.

This vnnatural treason of his sons, The  
Booke of  
Howth.  
Manuf.  
 did the King expresse in an Embleme  
 painted in his Chamber at *Winchester*,  
 wherein was an Eagle, with three Eg-  
 lets tyring on her brest; & the fourth  
 pecking at one of her eyes. And the  
 troth is, these vngracious practises of  
 his sonnes, did impeach his iourney to  
 the Holy-Land, which he had once  
 vowed; vexed him all the dayes of  
 his life, and brought his gray haire  
 with sorrow to the graue. Besides,  
 this King hauing giuen the Lordship  
 of *Ireland* to *John* his youngest sonne;  
 his ingratitude afterwards made the  
 king carelesse to settle him in the quiet  
 and absolute possession of that king-  
 dome.

*Richard*

*Richard 1.* **R**ichard the first, which succeeded *Henrie* the second in the kingdom of *England*, had lesse reason to bend his power towards the Conquest of this Land, which was giuen in perpetuity to the Lord *Iohn* his brother. And therefore, went hee in person to the holy warre; by which iourney, & his captiuity in *Austria*, and the heauy ransome that he paid for his libertie, hee was hindred, and vtterly disabled to pursue any so great an action as the the Conquest of *Ireland*; And after his deliury and returne, hardly was he able to maintaine a frontier warre in Normandy, where by hard fortune he lost his life.

*K. Iohn.* **K**ing *Iohn* his Brother, had greatest reason to prosecute the warre of *Ireland*, because the Lordship thereof was the portion of his inheritance, giuen vnto him, when hee was called, *Iohn Sans-Terre*. Therefore, hee made two iournies thither; one, when he was Earle of *Morton*, and very yong,  
about



about twelue years of age; the other, when he was King, in the 12. yeare of his raigne. In the first, his own youth, and his youthfull company, *Roboams* Counsellours, made him hazard the losse of al that his father had won. But in the later, he shewed a resolution to recouer the entire Kingdome, in taking the submissions of al the Irishry, and setling the estates of the English, and giuing Order for the building of many Castles and Forts, wherof some remaine vntill this day. But hee came to the Crowne of England, by a defeasible Title, so as he was neuer well settled in the hearts of the people, which drew him the sooner back out of *Ireland* into *England*: where shortlie after, he fell into such trouble and distresse; The Clergy cursing him on the one side; and the Barons rebelling against him on the other, as hee became so farre vnable to returne to the Conquest of *Ireland*, as besides the forfeiture of the territories in *Fraunce*, hee did in a manner loose both the kingdomes. For he surren-

I dred



dred both to the Pope, and tooke them backe againe to hold in Fee-farme; which brought him into such hatred at home, and such contempt abroad, as all his life time after, hee was possessed rather with feare of loosing his head, then with hope of reducing the kingdome of *Ireland*.

*Henrie 3.*

**D**Vring the infancy of *Henrie* the 3. the Barons were troubled in expelling the French, whome they had drawne in against King *Iohn*. But this Prince was no sooner come to his maiority, but the Barons raised a long and cruell war against him.

Into these troubled waters, the Bishops of *Rome* did cast their Nets, and drew away all the wealth of the realm by their provisions, and infinite exactions, whereby the kingdom was so impouerished, as the King was scarce able to feed his owne housholde and traine, much lesse to nourish armies for the conquest of forren kingdoms. And albeit he had giuen this Land to the

the Lord *Edward* his eldest sonne, yet could not that woorthy Prince euer finde meanes or opportunity to visit this kingdome in person. For, from the time he was able to beare armes, he serued continually against the Barons, by whom hee was taken prisoner at the battell of *Lewes*. And when that rebellion was appeased, he made a iourney to the Holy Land (an employment which in those daies diuer- ted all Christian Princes from performing any great actions in *Europe*) from whence he was returned, when the Crowne of England descended vpon him.

**T**His King *Edward* the first, who *Edward*. was a Prince adorned with all vertues, did in the manning of his affayres, shew himselfe a right good husband: who being Owner of a Lordship ill husbanded, doth first enclose & mannure his demesnes neere his principall house, before he doth improue his waists as farre off. Therefore, he began first to establish the Commonwealth

wealth of England, by making many excellent Lawes, and instituting the forme of publique Iustice, which remaineth to this day. Next, he fullie subdued and reduced the Dominion of Wales; then by his power and authoritie hee settled the kingdome of *Scotland*; and lastly, he sent a royall armie into *Gascoigne*, to recouer the Dutchy of *Aquitaine*. These foure great actions, did take vp all the raignt of this Prince. And therefore, we find not in any Record, that this King transmitted any forces into Ireland; but on the other side, wee finde it recorded both in the Annalles, and in the Pipe-Rolles of this kingdom, that three seuerall armies were raised of the Kings subiectes in Ireland, and transported one into *Scotland*; another into *Wales*; and the third into *Gascoigne*; and that seuerall aydes were leuied heere, for the setting forth of those armies.

*Archiu. in  
Castro  
Dublin.  
Annales  
Hiberniæ  
in Camden.*

The

THE sonne and successor of this *Edw. 2.* excellent Prince, was *Edward* the second, who much against his will sent one smal armie into Ireland; not with a purpose to finish the Conquest, but to garde the person of his Minion, *Piers Gaueston*, who being bannished out of England, was made Lieutenant of *Ireland*, that so his exile might seem more honourable.

He was no sooner ariued heere, but he made a iourney into the Mountaines of *Dublin*; brake and subdued the Rebels there; built New-Castle in the *Birnes* Country, and repaired *Ca- Annales*  
*stlekeuin*; & after passed vp into *Moun- Hibernia*  
*ster* and *Thomond*, performing euerie *in Camden.*  
 where great seruice, with much Ver- *Archiu. in*  
 tue and valour. But the King, who *Castro*  
 could not liue without him, revokt *Dublin.*  
 him within lesse then a yeare. After  
 which time, the inuasion of the *Scots*,  
 and rebellion of the Barons, did not  
 onely disable this King to bee a Con-  
 H queror,



Manu-  
script of  
Frier  
Clun.

queror, but deprived him both of his kingdome and life. And when the Scottish Nation had ouer-run all this land vnder the conduct of *Edward le Bruce* (who stiled himselfe King of *Ireland*) England was not then able to send either men or mony to saue this Kingdome. Onely *Roger de Mortimer* then Iustice of Ireland, arriued at *Youghall*, cum 38. milit. saith Frier *Clun* in his Annalles.

But *Bremingham*, *Verdon*, *Stapleton*, & some other priuat Gentlemen, rose out with the Commons of *Metb* and *Vriell*, and at *Fagber* neere *Dondalke*, a fatall place to the enemies of the Crowne of England, ouerthrew a potent army of them. *Et sic* (saith the red Booke of the Exchequer, wherein the victory was briefly recorded) *per manus communis populi, & dextram dei, deliberatur populus dei a seruitute machinata & præcogitata.*

In



IN the time of King *Edward* the *Edw. 3.*  
 third, the impediments of the Con-  
 quest of Ireland, are so notorious, as  
 I shal not neede to expresse them;  
 to wit, the warre which the King had  
 with the Realmes of *Scotland*, and of  
*Fraunce*; but especially the Warres of  
*Fraunce*, which were almost continuall  
 for the space of fortie yeares. And  
 indeede, *France* was a fairer marke to  
 shoot at, then Ireland, & could better  
 reward the Conqueror. Besides, it  
 was an inheritance newly discended  
 vpon the King; and therefore, he had  
 great reason to bend all his power, and  
 spend all his time and treasure, in the  
 recouery thereof. And this is the true  
 cause why *Edward* the third sent no  
 armie into Ireland, till the 36. yeare  
 of his raigne, when the Lorde *Lionell*  
 brought ouer a Regiment of 1500.  
 men, as is before expresse: which,  
 that wise and warlicke Prince did not  
 transmit as a competent power, to  
 make a full conquest, but as an honc-  
 H 2 rable

*Annales*  
*Hiberniæ*  
*in Camden.*

rable retinue for his sonne; and with-  
 all, to enable him to recover some  
 part of his Earledome of *Vlster*, which  
 was then ouer-run with the Irish. But  
 on the other part, though the English  
 Colonies were much degenerate in this  
 kings time, and had lost a great part  
 of their possessions, yet lying at the  
 siede of *Callis*, hee sent for a supply  
 of men out of Ireland, which wer  
 transported vnder the conduct of the  
 Earle of *Kildare*, and *Fulco de la Freyn*,  
 in the yeare, 1347.

*Richard 2.*

**A**ND now are we come again to  
 the time of King *Richard* the se-  
 cond; who for the first tenne yeares  
 of his raigne, was a Minor, and much  
 disquieted with popular Commotions;  
 and after that, was more trobled with  
 the factions that arose betweene his  
 Minions, & the Princes of the bloud.  
 But at last, he tooke a resolution to  
 finish the Conquest of this Realme.  
 And to that end he made two Royall  
 voyages hither. Vpon the first, he  
 was

was deluded by the faigned submissions of the Irish; but vpon the later, when he was fully bent to prosecute the warre with effect, he was diuerted & drawn from hence by the return of the Duke of *Lancaster* into England, and the generall defection of the whole realme.

**A**S for *Henrie* the fourth, he bee-*Henrie 4.*  
 ing an Intruder vpon the Crowne of England, was hindered from all forraigne actions, by sundry Conspiracies and Rebellions at home, moued by the house of *Northumberland* in the North; by the Dukes of *Surrey* & *Exceter* in the South; and by *Owen Glendour* in Wales; so as he spent his short raigne in establishing and settling himselfe in the quiet possession of England, and had neyther leisure nor opportunity to vndertake the final conquest of Ireland. Much lesse could King *Henry* the fift perfourme that *Henrie 5.*  
 worke: for in the second yeare of his raigne, he transported an armie into

*Annales Hiberniæ in Camden.* France, for the recovery of that kingdome, and drewe ouer to the siede of *Harflew*, the Priour of *Kilmainebam*, with 1500. Irish. In which great action, this victorious Prince, spent the rest of his life.

*Henrie 6.*

AND after his death, the two Noble Princes, his Brothers, the Duke of *Bedford* and *Glocester*, who during the minority of King *Henry* the sixte, had the Gouvernment of the Kingdomes of *England* and *France*, did employ all their Counsels and endeavors to perfect the Conquest of *France*; the greater part whereof beeing gained by *Henry* the fift, & retained by the Duke of *Bedford*, was againe lost by K. *Henrie* the sixt; a manifest argument of his disability to finish the Conquest of this Land. But when the ciuill Warre betweene the two Houses was kindled; the Kings of *England* were so farre from reducing al the Irish vnder their Obedience, as they drew out of Ireland (to strengthen



then their parties) al the Nobility and Gentry descended of English race : which gaue opportunitie to the Irishry, to inuade the Lands of the English Colonies, and did hazard the losse of the whole kingdom. For, though the Duke of *Yorke* did, while he liued in *Ireland*, carrie himselfe respectfully towards all the Nobility, to win the generall loue of all, bearing equall fauour to the *Giraldines* and the *Butlers* (as appeared at the Christning of *George* duke of *Clarence*, who was borne in the Castle of *Dublin*, where he made both the Earle of *Kildare*, and the Earle of *Ormond* his Gosips :) And hauing occasion diuers times to passe into *England* ; hee left the sworde with *Kildare* at one time, and with *Ormond* at another : & when he lost his life at *Wakefield*, there were slaine with him diuers of both those families. Yet afterwards, those two Noble houses of *Ireland*, did seuerally follow the two Royall houses of *England* ; the *Giraldines* adhering to the

Holling-  
shead in  
Hen. 6.

house



*Manu-  
script of  
Baron  
Finglas.*

house of *Yorke*, and the *Butlers* to the house of *Lancaster*. Whereby it came to passe, that not onely the principall Gentlemen of both those Surnames, but all their friendes and dependants did passe into *England*, leaving their Lands and possessions to be over-run by the Irish. These impediments, or rather impossibilities of finishing the Conquest of *Ireland*, did continue till the Warres of *Lancaster & Yorke* were ended: which was about the 12. yeare of King *Edward* the fourth.

Thus hitherto the Kings of *England* were hindred from finishing this Conquest by great and apparant impediments: *Henrie* the second, by the rebellion of his sonnes: King *Iohn*, *Henry* the third, & *Edward* the second, by the Barons warres: *Edward* the first by his warres in *Wales* and *Scotland*: *Edward* the third, and *Henry* the fift, by the warres of *France*: *Richard* the second, *Henry* the fourth, *Henrie* the sixt,

fixt, and *Edward* the fourth, by domestick contention for the Crowne of England itselſe.

**B**VT the fire of the ciuil warre be-<sup>Edw. 4.</sup>  
 ing vtterly quenched, and K. *Edward* the fourth ſetled in the peaceable poſſeſſion of the Crowne of *England*, what did then hinder that warlicke Prince from reducing of *Ireland* alſo? Firſt, the whole Realme of *England* was miſerably waſted, depopulated & impoueriſhed by the late ciuil diſſenſions; yet aſſoon as it had recouered itselſe with a little peace and reſt, this King raiſed an Army, and reuiued the Title of *France* againe: howbeit, this Army was no ſooner tranſmitted and brought into the field, but the two Kings alſo were brought to an inter-view. Whereupon, partly by the faire and white promiſes of *Lewes* the 11. and partly by the corruption of ſome of King *Edwards* Minions, the Engliſh forces were broken and diſmiſſed, & King *Edward* returned into England, where

where shortly after finding himsefe deluded and abused by the French, he dyed with melancholy, and vexation of spirit.

*Richard 3.* **I** Omit to speake of *Richard* the Vsurper, who neuer got the quiet possession of *England*, but was cast out by *Henry* the seauenth, within two yeares and a halfe, after his Vsurpation.

*Henrie 7.* **A** ND for King *Henry* the seauenth himsefe, thogh he made that happy vnion of the two houses, yet for more then half the space of his raign, there were walking Spirites of the house of *Yorke*, aswell in *Ireland* as in *England*, which he could not coniure down, without expence of some bloud and Treasure. But in his later times, hee did not wholly studye to improue the Reuennues of the Crowne in both Kingdomes; with an intent to prouide meanes for some great action which he intended: which doubtlesse, if hee had liued,

liued, woulde rather haue improued a journey into *Fraunce*, then into *Ireland*, because in the eyes of all men, it was a fayrer enterprize.

**T**Herefore King *Henry* eight, in *Henry 8.* the beginning of his raigne, made a Voyage Royall into *France*; wherein he spent the greatest part of that treasure, which his Father had frugally reserued; perhaps for the like purpose. In the latter end of his raign, he made the like iourney, being enricht with the Reuennewes of the Abbey Lands. But in the middle time between these two attempts, the great alteration which hee made in the State ecclesiastical, caused him to stand vpon his guard at home; the Pope hauing sollicitated al the Princes of Christendom to reuenge his quarrell in that behalf. And thus was King *Henry* the eight, detained and diuerted from the absolute reducing of the kingdom of *Ireland*.

Lastly,



K. Edward 6.  
and Qu.  
Marie.

**L**Astly, the infancie of King Edward the sixt, and the Couerture of Qu. Mary (which are both *Non abilities* in the Lawe) did in fact disable them to accomplish the Conquest of Ireland.

Queen Elizabeth.

**S**O as now this great worke did remaine to be performed by Queene ELIZABETH; who though shee were diuerted by suppressing the open rebellion in the North; by preventing diuers secret Conspiracies against her person; by giuing ayds to the *French*, and States of the Low-Countries; by maintaining a Nauall war with *Spaine* for many years together: yet the sundry rebellions, ioyned with forraign inuasions vpon this Island, whereby it was in danger to be vtterly lost, and to bee possessed by the enemies of the Crowne of *England*, did quicken her Maiesties care for the preservation thereof; and to that end, from time to time during



I enemies,

enemies, did moue, and almost enforce her to send ouer that mighty army: and did withall enflame thy hearts of the Subjects of *England*, chearefully to contribute towards the maintaining thereof, a Million of sterling poundes at least: which was done with a purpose only to *Saue*, and not to *Gain* a kingdome; To keep and retaine that *Soueraignetie*, which the Crowne of *England* had in *Ireland* (such as it was) and not to recouer a more absolute Dominion. “ But, as  
 “ it falleth out many times, that  
 “ when a house is on fire, the Owner  
 “ to saue it from burning, pulleth it  
 “ downe to the ground; but that  
 “ pulling downe, doeth giue occasion of building it vp againe in a  
 “ better forme: So, these last warres, which to saue the Kingdome did vtterly breake & destroy this people, produced a better effect then was at first expected. For, *euery Rebellion, when it is suppress, dooth make the subiect weaker, and the Prince stronger.* So,  
 this

this general reuolt when it was ouercom, did produce a generall Obedience and Reformation of al the Irishrie, which euer before had beene disobedient & vnreformed; & thereupon ensued the final and full conquest of Ireland.

And thus much may suffice to bee spoken, touching the defectes in the martiall affayres, and the *weake & faint prosecution of the warre*; and of the feuerall *Impediments* or *imployments*, which did hinder or diuert euery King of *England* successiuelly, from reducing *Ireland* to their absolute subjection.

**I**T now remaineth, that wee shew <sup>2.</sup> *the defectes of the Ciuil Pollicy & Gouvernement*, which gaue no lesse impediment to the perfection of this Conquest. <sup>The defectes in the ciuill pollicy & gouernment.</sup>

**T**HE first of that kinde, doeth consist in this: *That the Crown of England did not from the beginning* <sup>1. The Lawes of England were not giue given to the meere Irish.</sup>

giue Lawes to the Irishry ; whereas to giue Lawes to a conquered people, is the principall marke and effect of a perfect Conquest. For, albeit King Henrie the second, before his returne out of Ireland, held a Counsell or Parliament at *Lissemore* ; *Vbi Leges*

*Matth. Angliæ ab omnibus sunt gratanter receptæ, Paris Hi- stor. ma- ior. fol. 121.* *Et Iuratoria Cautione præstita confirma- ta*, as *Matth. Paris* writeth ;

121.

And though King *Iohn* in the 12. yeare of his raigne, did establisth the English Lawes and Customes heere, and placed Sheriffes and other Mini- sters to rule and gouerne the people, according to the Law of *England* : and to that end, *Ipse duxit secum viros*

*Matth. discretos & legis peritos, quorum com- Paris Hi- stor. ma- ior. 220 b* *muni consilio statuit & præcepit, leges Anglicanas teneri in Hibernia, &c.* as wee finde it recorded among the Pa- tent Rolles in the Tower. 11. *Hen. 3. m. 3.* Though likewise, King *Henrie* the third did graunt & transmit the like Charter of liberties to his subiects of

11. *Hen. 3. p. 1. m. 3.*

of Ireland, as himfelfe and his Father had graunted to the Subiects of *England*, as appeareth by another Recorde in the Tower, 1. *Hen. 3. Pat. m. 13.* And afterwards, by a speciall Writ, did commaund the Lord Iustice of Ireland, *Quod conuocatis Archiepiscopis, Episcopis, Comitibus, Baronibus, &c. Coram eis legi faceret Chartam Regis Iohannis; quam ipse legi fecit & iurari à Magnatibus Hiberniæ, de legibus & Constitutionibus Angliæ obseruandis, & quod leges illas teneant & obseruent.* 12. *Hen. 3. Claus. m. 8.* And after that againe, the same King by Letters Patents vnder the great seale of England, did confirme the establishment of the English Lawes made by King *Iohn*, in this forme: *Quia pro Communi utilitate terræ Hiberniæ, ac unitate terrarum, de Communi Consilio prouisum sit, quod omnes leges & consuetudines quæ in regno Angliæ tenentur, in Hiberniâ teneantur, & eadem terra eiusdem legibus subiaceat, ac per easdem regatur, sicut Iohannes*



*Rex, cum illuc esset, Statuit & firmiter mandavit ; ideo volumus quod omnia brev-  
 uia de Communi Iure, quæ currunt in  
 30. H. 3. Anglia, similiter currant in Hibernia,  
 pat. m. 20. sub nouo sigilio nostro, &c. Teste meipso  
 apud Woodstocke, &c.* Which confir-  
 mation is found among the Patent-  
 Rolles in the Tower, *Anno 30. Hen. 3.*  
 Notwithstanding, it is evident by all  
 the Records of this Kingdome, that  
 onely the English Colonies, and some  
 few *Septs* of the Irishry, which were  
 enfranchised by special Charters, wer  
 admitted to the benefit and protec-  
 tion of the Lawes of England ; and  
 that the Irish generally, were held  
 and reputed *Aliens*, or rather enemies  
 to the Crowne of *England* ; insomuch,  
 as they were not only disabled to  
 bring anie actions, but they were so  
 farre out of the protection of the  
 Lawe, as it was often adjudged no  
 felony to kill a meere Irish-man in  
 the time of peace.

The  
 meere I-  
 rish not  
 admitted  
 to haue  
 the bene-  
 fit of the  
 Lawes of  
 England.

That

That the meere Irish were reputed The  
*Aliens*, appeareth by sundrie Records; <sup>meere I-</sup>  
 wherein Iudgement is demanded, if <sup>rish repu-</sup>  
 they shall be answered in Actions <sup>ted Aliens.</sup>  
 brought by them: and likewise, by  
 the Charters of Denization, which in  
 all Ages were purchased by them.

In the common plea-Rolles of 28.  
*Edward* the third (which are yet pre-  
 serued in *Breminghams* Tower) this  
 case is adiudged. *Simon Neal* brought  
 an action of trespasse against *William Archiu. in*  
*Newlagb* for breaking his Close in *Castro*  
*Claudalkin*, in the County of *Dublin*; *Dublin.*  
 the Defendant doth plead, that the  
 Plaintiffe is *Hibernicus*, & non de  
*Quinque sanguinibus*; and demandeth  
 iudgement, if he shall be answered.  
 The Plaintiffe replieth; *Quod ipse est*  
*de quinque sanguinibus (viz) De les*  
*Oneiles de Vlton, qui per Concessionem*  
*progenitorum Domini Regis; Libertati-*  
*bus Anglicis gaudere debent & vtuntur,*  
*& pro liberis hominibus reputantur.* The  
 Defendant

Defendant rejoyneth; that the Plaintiffe is not of the *Oneales* of *Vlster*, *Nec de quinq; sanguinibus*. And thereupon they are at yssue. Which being found for the Plaintiffe, he had Iudgement to recouer his dammages against the Defendant. By this Record it appeareth that five principal blouds, or Septs, of the Irishry, were by speciall grace enfranchised and enabled to take benefit of the Lawes of England; And that the Nation of *O Neales* in *Vlster*, was one of the five. And in the like case, 3. of *Edward* the second, amongst the Plea Rolles in *Breminghams* Tower: All the 5. Septs or blouds, *Qui gaudeant lege Anglicana quoad breuia portanda*, are expressed, namely, *Oneil de Vltonia*; *O Molagblin de Midia*; *O Connogbor de Connacia*; *O Brien de Thotmonia*; & *Mac Murrogh de Lagenia*: And yet I finde, that *O Neale* himselfe long after, (viz.) in 20. *Ed.* 4. vpon his mariage with a daughter of the house of *Kildare* (to satisfie the friends

*Archiu. in*  
*Castro*  
*Dublin.*

friends of the Lady,) was made denizen by a special Act of Parliament. 20. Ed. 4. C. 8.

Againe, in the 29. of Ed. 1. before the Iustices in Eire at Drogheda, Thomas de Botteler brought an action of Detinue against Robert de Almain, for certaine goods. The Defendant pleadeth, *Quod non tenetur ei inde respondere, eo quod est Hibernicus, & non de libero sanguine.* Et prædictus Thomas dicit, *quod Anglicus est, & hoc petit quod inquiratur per patriam, Ideo fiat inde Iurat. &c.* Iurat' dicunt super Sacrament' suum, quod prædict' Thomas Anglicus est, ideo consideratum est quod recuperet, &c.

*Archiv. in  
Castro  
Dublin.*

These two Records among many other, do sufficiently shewe, that the Irish were disabled to bring any Actions at the common Lawe. Touching their denizations, they were common in euerie Kinges raigne, since Henrie the second, and were neuer out of vse, till

till his Majesty that now is, came to the Crowne.

Among the Pleas of the Crown, 4. of *Edw. 2.* we finde a confirmation made by *Edw. 1.* of a Charter of Denization granted by *Henrie* the second, to certain *Oastmen*, or *Easterlings*, who were Inhabitants of *Waterford* long before *Hen. 2.* attempted  
*Archdu. in* the conquest of Ireland. *Edwardus*  
*Castro* *dei gratia, &c. Iustituario suo Hiberniæ*  
*Dublin.* *Salutem : Quia per Inspectionem Chartæ*  
*Dom. Hen. Reg. filij Imperatricis quon-*  
*dam Dom. Hiberniæ proavi nostri nobis*  
*Constat, quod Ostmanni de Waterford*  
*legem Anglicorum in Hibernia habere,*  
*& secundam ipsam legem Iudicari & de-*  
*duci debent : vobis mandamus quod Gil-*  
*licrist Mac Gilmurrij, Willielmum &*  
*Iohannem Mac Gilmurrij & alios Ost-*  
*mannos de ciuitate & Comitatu Water-*  
*ford, qui de predictis Ostmannis prædict.*  
*Dom. Henr. proavi nostri originem*  
*duxerunt, legem Anglicorum in partibus*  
*illis iuxta tenorem Chartæ prædict. ha-*  
*bere,*



bere, & eos secundum ipsam legem  
(quantum in nobis est, deduci faciatis)  
donec aliud de Consilio nostro inde duxe-  
rimus ordinand. In cuius rei, &c.  
Teste meipso apud Aſton Burnell. 5.  
Octobris anno regni nostri undecimo.

Againe, among the Patent Rolles *Archiv. in*  
of 1 Ed. the fourth, remaining in the *Castro*  
Chancery heere, we finde a Patent of *Dublin.*  
Denization graunted the 13. of Ed-  
ward the first, in these wordes; Ed-  
wardus Dei gratia, Rex Angliæ, Dom.  
Hiberniæ, Dux Aquitaniæ, &c. Omni-  
bus Balliuis et fidelibus suis in Hibernia,  
Salutem: Volentes Christohero filio Do-  
naldi Hibernico gratiam facere specialem,  
concedimus pro nobis et hæredibus nostris,  
quod idem Christopherus hanc habeat  
libertatem, (viz.) Quod ipse de cætero  
in Hibernia vtatur legibus Anglicanis,  
et prohibemus ne quisquam contra hanc  
concessionem nostram dictum Christophe-  
rum vexet in aliquo vel perturbet. In  
cuius rei Testimonium, &c. Teste meipso  
2 apud

*apud West. 27. die Iunij. anno regni nostri. 13.*

*Archiu. in  
Castro  
Dublin.*

In the same Roll, wee finde another Charter of Denization, graunted in the first of *Edw. 4.* in a more larger and beneficiall forme. *Edw. Dei gratia, &c. Omnibus Balliuis, &c. Salutem. Sciatis quod nos volentes Willielmum O Bolgir capellanum de Hibernica Natione existentem, fauore prosequi gratioso, de gratia nostra speciali, &c. Concessimus eidem Willielmo, quod ipse liberi sit Status. et liberæ conditionis, et ab omni seruitute Hibernicâ liber et quietus, et quod ipse legibus Anglicanis in omnibus et per omnia uti possit et gaudere, eodem modo, quo homines Anglici infra dictam terram eas habent, et ijs gaudent et utuntur, quodque ipse respondeat, et respondeatur, in quibuscumque Curijs nostris: ac omminod. terras, tenementa, redditus, et seruitia perquirere possit sibi et hæredibus suis imperpetuum, &c.*

If I should Collect out of the Records, all the Charters of this kind, I should make a Volume thereof; but these may suffice to shew, That the meere Irish were not reputed free subiects; nor admitted to the benefit of the Lawes of *England*, vntill they had purchased Charters of Denization.

Lastly, the meere Irish were not That the  
onely accompted *Aliens*, but *Enemies*; meer Irish  
and altogither out of the protection were re-  
of the Law; so as it was no capitall puted  
offence to kill them; and this is mani- enimies to  
fest by many Records. At a Goul-de- the  
crownne.  
liuery at *Waterford*, before *John Wo-*  
*gay* Lord Iustice of Ireland, the 4.  
of *Edw.* the second, wee finde it re-  
corded among the pleas of the Crown  
of that yeare, *Quod Robertus le Wayleys*  
*reſtatus de morte Iobannis filij Iuor* *Archiu. in*  
*Mac Gillemory felonice per ipsum inter-* *Castro*  
*fecti, &c. Venit et bene cognouit quod* *Dublin.*  
*prædictum Iobannem interfecit: dicit*  
K *tamen*

tamen quod per eius interfectionem feloniam committere non potuit, quia dicit, quod prædictus Iohannes fuit purus Hibernicus, et non de libero sanguine, &c. Et cum Dominus dicti Iohannis (cuius Hibernicus idem Iohannes fuit) die quo interfectus fuit, solutionem pro ipso Iohanne Hibernico suo sic interfecto petere voluerit, ipse Robertus paratus erit ad respondend' de solutione prædict. prout Iustitia suadebit. Et super hoc venit quidam Iohannes le Poer, et dicit pro Domino Rege, quod prædict. Iohannes filius Iuor Mac Gillemory, et antecessores sui de cognonime prædict. á tempore quo Dominus Henricus filius Imperatricis, quondam Dominus Hiberniæ, Tritavus Domini Regis nunc, fuit in Hibernia, legem Anglicorum in Hibernia vsque ad hunc diem habere, et secundum ipsam legem Iudicari et deduci debent. And so pleaded the Charter of Denization graunted to the Oostmen recited before; All which appeareth at large in the saide Record: Wherein we may note, that the killing of an Irish man, was

was not punished by our Lawe, as Man-slaughter, which is felony and capitall, (for our Law did neither protect his life, nor reuenge his death) but by a fine or pecuniary punishment, which is called an *Erick*, according to the *Brebon*, or Irish Law.

Againe, at a Gaol-delivery before the same Lord Iustice at *Limericke*, in the Roll of the same year, we find, that *Willielmus filius Rogeri reſtatus de Archiu. in morte Rogeri de Cauteton felonice per Castro ipsum interfeſti, venit et dicit, quod Dublin. feloniam per interfectionem prædictam committere non potuit, quia dicit quod prædict. Rogerus Hibernic. est, et non de libero sanguine; dicit etiam quod prædict. Rogerus fuit de Cognomine de Obederiscall et non de cognonime de cautetons, et de hoc ponit se super patriam, &c. Et Iurati dicunt super Sacram. suum quod prædictus Rogerus Hibernicus fuit et de cognonime de Obederiscall & pro Hibernico habebatur tota vita sua Ideo prædict. Willielmus quoad feloniam prædict.*



*aict. quietus. Sed quia prædictus Rogerus Otlederiscall fuit Hibernicus Domini Regis, prædict. Willielmus recommittatur Gaolæ, quovsque plegios inuenerit de quinque marcis soluendis Domino Regi pro solutione prædicti Hibernici.*

But on the other side, if the Iurie had found, that the party slaine had beene of English race and Nation, it had bin adiudged felony; as appeareth by a Record of 29. of Edward the first, in the Crowne-Office heere.

*Archiv. in  
Castro  
Dublin.*

*Coram Waltero Lenfant et socijs suis Iustitiarijs Itinerantibus apud Drogheda in Comitatu Louth. Iohannes Laurens indictat. de morte Galfridi Douedal venit & non dedit mortem prædictam: sed dicit quod prædict. Galfridus fuit Hibernicus, et non de libero sanguine, et de bono et malo ponit se super patriam, &c. Et Iurat. dicunt super Sacram. suum quod prædict. Galfridus Anglicus fuit, et ideo prædict. Iohannes culpabilis est de morte Galfridi prædict. Ideo suspend.*

*pend. Catalla 13. s. unde Hugo de Clinton Vicecom. respondet.*

Hence it is, that in all the Parliament Rolles which are extant from the fortieth yeare of *Edward* the thirde, when the Statutes of *Kilkenny* were enacted, till the raigne of King *Henry* the eight, we finde the degenerat and disobedient English, called *Rebels*; but the Irish which were not in the Kings peace, are called *Enemies*. Statute *Kilkenny*, c. 1. 10. and *Archib. in*  
 11. 11. *Hen.* 4. c. 24. 10. *Hen.* 6. c. *Castro*  
 1. 18. 18. *Hen.* 6. c. 4. 5. *Edw.* 4. *Dublin.*  
 c. 6. 10. *Hen.* 7. c. 17. All these Statutes, speak of *English* Rebels, and Irish Enemies; as if the Irish had neuer bin in condition of Subiectes, but alwaies out of the protection of the Law; and were indeede in worse case then *Aliens* of any forren Realme that was in amity with the Crowne of England. For, by diuers heauie pæ-nall Lawes, the English were forbidden to marry, to foster, to make Gos-

Stat. de  
Kilkenny  
c. 2. & 3.  
10 Hen.  
6. c. 1.  
28. H. 8.  
c. 13.

sippes with the Irish ; or to haue anie Trade, or commerce in their Markets or Fayres ; nay, there was a Law made no longer since, then the 28. yeare of *Henrie* the eight, that the English should not marry with any person of Irish blood, though he had gotten a Charter of Denization, vnlesse he had done both homage and fealty to the King in the Chancery, and were also bound by Recognisaunce with sureties, to continue a loyal subiect. Whereby it is manifest, that such as had the Gouvernement of *Ireland* vnder the Crowne of *England*, did intend to make a perpetuall separation and enmity betweene the English and the Irish ; pretending (no doubt) that the English should in the end roote out the Irish : which the English not being able to do, did cause a perpetuall Warre betweene the nations : which continued foure hundered and odde yeares, and would haue lasted to the Worlds end ; if in the end of *Queene Elizabeths* raigne, the Irishry had

had not beene broken and conquered by the *Sword*, And since the beginning of his Maiesties raigne, had not bin protected and governed by the *Law*.

**B**Ut perhaps, the Irishry in former times did wilfully refuse to be subiect to the Lawes of England, and would not be partakers of the benefit thereof, though the Crowne of *England* did desire it; and therefore, they were reputed Aliens, Out-lawes, and enemies. Assuredly, the contrarie doth appeare, aswel by the Charters of Denization purchased by the Irish in all ages, as by a petition preferred by them to the King, *Anno 2. Edward the thirde*: desiring, that an Act might passe in Ireland, whereby all the Irishrie might be inabled to vse and injoy the Lawes of *England*, without purchasing of particular Denizations. Vppon which petition, the King directed a speciall Writ to the Lorde Iustice; which is found amongst the

The Irish did desire to bee admitted to the benefit & protection of the English Lawes, but could not obtaine it.

2 Ed. 3. claus. 17.

the Close-Rolles in the Tower of London, in this forme; *Rex dilecto & fideli suo Iohannis Darcile Nepieu Iustic. suo Hibernia, Salutem. Ex parte quorundam hominum de Hibernia nobis exiit supplicatum, ut per Statutum inde faciendum concedere velimus, quod omnes Hibernici qui voluerint, legibus utantur Anglicanis: ita quod necesse non habeant super hoc Chartas alias à nobis impetrare: nos igitur Certiorari volentes si sine alieno præiudicio præmissis annuere valeamus, vobis mandamus quod voluntatem magnatum terr. illius in proximo Parlamento nostro ibidem tenendo super hoc cum diligentia perscrutari facias: et de eo quod inde inueneritis una cum Consilio et aduisamento nobis certificetis, &c.* Whereby I collect, that the great Lordes of Ireland had informed the King that the Irishry might not be naturalized, without damage and prejudice either to themselves, or to the Crowne.

But



But I am well assured, that the Irishrie did desire to bee admitted to the benefit of the Law, not onely in this petition exhibited to king *Edward* the third; but by all their submissions made to King *Richard* the second, and to the Lord *Thomas* of *Lancaster* before the warres of the two Houses; and afterwards to the Lord *Leonard Gray*, & Sir *Anthony Saint-Leger*, when K. *Henry* the eight began to reforme this The kingdome. In particular, the *Birnes* Counsell of the Mountaines, in the 34. of Booke of *Henrie* the 8. desire that their Countrey Ireland, might bee made Shire-ground, and 34. Hen. 8. called the County of *Wicklow*: And in the 23. of Henry the eight, O *Donnel* doth Couenant with Sir *William Skeffington*, *Quod si Dominus Rex velit reformare Hiberniam*, (whereof it should seeme he made some doubt) that hee and his people would gladly bee gouerned by the Lawes of England. Onely that vngrateful Traitor *Tirone*, though hee had no colour or shadowe of Title

Title to that great lordship, but only by grant from the Crowne, and by the Law of England (for by the Irish Law he had beene ranked with the meanest of his Sept) yet in one of his Capitulations with the State, hee required that no Sheriffe might haue iurisdiction within *Tirone*; and consequently, that the Lawes of England might not be executed there: Which request, was neuer before made by *O Neale*, or any other Lorde of the Irishry, when they submitted themselves; but contrariwise they were humble suitors to haue the benefit and protection of the English Lawes.

What mischief did grow by not communicating the English Lawes to the Irish.

**T**HIS then I note as a great defect in the Ciuill policy of this kingdom, in that for the space of 350. yeares at least after the Conquest first attempted, the English lawes were not communicated to the Irish, nor the benefit and protection therof allowed vnto them, though they earnestly desired

red and fought the same. For, as long as they were out of the protection of the Lawe; so as euery English-man might oppresse, spoyle, and kill them without controulment, howe was it possible they shoulde bee other then Out-Lawes & Enemies to the Crown of Englande? If the King would not admit them to the condition of Subjects, how could they learn to acknowledge and obey him as their Soueraigne? When they might not conuerse or Commerce with any Ciuill men, nor enter into any Towne or Citty without perrill of their Liues; whither should they flye but into the Woods and Mountains, and there liue in a wilde and barbarous manner? If the English Magistrates would not rule them by the Law which doth punish Treason, and Murder, & Theft with death; but leaue them to be ruled by their owne Lords and Lawes, why shoulde they not embrace their owne *Brehon* Lawe, which punisheth no offence, but with a Fine or

or *Ericke*? If the Irish bee not permitted to purchase estates of Freeholds or Inheritance, which might discend to their Children, according to the course of our Common Lawe, must they not continue their custome of *Tanistrie*? which makes all their possessions vncertaine, and brings Confusion, Barbarisme, and Inciuility? In a word, if the English woulde neither in peace gouerne them by the Law, nor could in War root them out by the sword; must they not needes bee prickes in their eyes, and thornes in their sides, till the Worlds end? and so the Conquest neuer be brought to perfection.

What  
good  
would  
haue en-  
fued, if  
the meere  
Irish had  
bin go-  
uerned by  
the Eng-  
lish lawes.

**B**Vt on the other side; If from the beginning, the Lawes of *England* had beene established, and the *Brebon* or Irish Law vtterly abolished, aswell in the Irish Countries, as the English Colonies; if there had been no difference made betweene the Nations in  
point

point of Iustice and protection, but al  
 had beene governed by one Equall,  
 Iust, and Honourable Lawe, as *Dido*  
 speaketh in *Virgill*; *Tros, Tyriusue mibi*  
*nullo discrimine habetur*. If vpon the  
 first submission made by the Irish  
 Lordes to King *Henry* the second;  
*Quem in Regem & Dominum receperunt*, Three ge-  
 saith *Matth. Paris*; or vpon the se- nerall sub-  
 cond submission made to King *Iohn*, missions of  
 when, *Plusquam viginti Reguli maximo* the Irish.  
*timore perterriti homagium ei & fide-  
 litatem fecerunt*, as the same Author  
 writeth; or vppon the third general  
 submission made to King *Richard* the  
 second; when they did not only do  
 homage & fealty, but bound them-  
 selues by Indentures and oaths (as is  
 before expressed) to becom and con-  
 tinue loyall subiects to the crown of  
*England*; If any of these three Kings,  
 who came each of them twice in per-  
 son into this kingdome, had vppon  
 these submissions of the Irishry, recei-  
 ued them all, both Lords & Tenants,  
 into their mediate protection, deuided  
 L their



their feuerall Countries into Counties; made Sheriffes, Coroners, and Wardens of the peace therein: sent Iustices Itinerants halfe yearely into euerie part of the Kingdome, aswell to punish Malefactors, as to heare and determine causes betweene party and party, according to the course of the Lawes of *England*; taken surrenders of their Lands and territories, & graunted estates vnto them, to holde by English Tenures; graunted them Markets, Fayres, and other Franchises, and erected Corporate Townes among them; all which, hath bin performed since his Maiesty came to the Crowne,) assuredly, the Irish Countries had long since beene reformed and reduced to Peace, Plenty, and Ciuility, which are the effects of Lawes and good Gouvernement: they hadde builded Houses, planted Orchards and Gardens: erected Towne-shippes, and made prouision for their posterities; there had beene a perfect Vnion betwixt the Nations, and consequently, a perfect

Conquest of *Ireland*. For the Conquest is neuer perfect, till the war be at an end; and the war is not at an end till there be peace and vnity; and there can neuer be vnity & Concord in any one Kingdom, but where there is but one King, one Allegiance, and one Law.

**T**Rue it is, that King *Iohn* made The Eng-  
 xii. shires in *Leinster* & *Moun-*lish Lawes  
*ster*: namely, *Dublin*, *Kildare*, *Metb*, were exe-  
*Vriel*, *Catherlogh*, *Kilkenny*, *Wexford*, cuted only  
*Waterford*, *Corke*, *Limeric*, *Kerrie*, in the  
 and *Tipperary*. Yet these Counties did English  
 stretch no farther then the Landes of Colonies.  
 the English Colonies did extend. In  
 them only, were the English Lawes  
 published and put in Execution; and  
 in them only did the Itinerant Iudges  
 make their circuits and visitations of  
 Iustice, and not in the countries  
 possessed by the Irishry which con-  
 tained two third partes of the King-  
 dome at least. And therfore King  
*Edward* the first, before the court of

Archiv.  
in Castro  
Dublin.

Parliament was established in Ireland, did transmit the Statutes of England in this forme: *Dominus Rex mandavit Breue suum in hæc verba: Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ, &c. Cancellario suo Hiberniæ, Salutem. Quædam statuta per nos de assensu Prælatorum, Comitum, Baronum & Communitat. regni nostri nuper apud Lincolne; & quædam alia statuta postmodum apud Eborum facta, quæ in dicta terra nostra Hiberniæ ad Communem utilitatem populi nostri eiusdem terræ obseruari volumus, vobis mittimus sub sigillo nostro, mandantes quod statuta illa in dicta Cancellaria nostra Custodiri, ac in rotulis eiusdem Cancellariæ irrotulari, & ad singulas placeas nostras in terra nostra Hiberniæ, & singulos Comitatus eiusdem terræ mitti faciatis ministris nostris placearum illarum, et Vicecomitibus dictorum Comitatum: mandantes, quod statuta illa coram ipsis publicari & ea in omnibus et singulis Articulis suis obseruari firmiter faciatis. Teste meipso apud Nottingham, &c.*

By

By which Writt; and by all the Pipe-Rolles of that time it is manifest, that the Lawes of *England* were published and put in execution onely in the Counties, which were then made and limited, & not in the Irish Countries, which were neglected and left wilde; and haue but of late yeares bin deuided in one and twenty Counties more.

Againe, true it is, that by the Statute of *Kilkenny*, enacted in this kingdome, in the fortith yeare of King *Edward* the thirde, the *Brehon* Law was condemned and abolished, and the vse and practife thereof made High-Treason. But this Lawe extended to the English onely, and not to the Irish: For the Lawe is penned in this forme: Item, *Forasmuch as the diuer-* *Statut. de*  
*sitie of Gouvernment by diuers Lawes in Kilkenny.*  
*one Land, doth make diuersity of lige-* *c. 4.*  
*ance and debates between the people, It*  
*is accorded and establisshed, that heere-*  
*after no Englishman haue debate with*



*another Englishman, but according to the  
course of the Common Law ; And that  
no Englishman be ruled in the definition  
of their debates, by the March-Law, or  
the Brebon Law, which by reason ought  
not to bee named a Law, but an euill  
Custome ; but that they be ruled as right  
is, by the common Lawe of the land,  
as the Lieges of our Soueraigne LORD  
the King ; And if any do to the con-  
trary, & thereof be attainted, that he  
be taken and imprisoned & iudged as a  
Traitor : And that heereafter there be  
no diuersity of ligeance betweene the Eng-  
lish borne in England, but that all bee  
called and reputed, English, and the  
Lieges of our Soueraigne Lord the  
KING, &c. This Law, was made  
only to reforme the degenerat Eng-  
lish, but there was no care taken for  
the reformation of the meer Irish ;  
no ordinance, no prouision made for  
the abolishing of their barbarous Cus-  
tomes and manners. Insomuch as the  
Law then made for Apparell, and  
riding in Saddles, after the English  
fashion,*



fashion, is penal only to English men,  
 & not to the Irish. But the *Romaine* The Ro-  
 State, which conquered so many Na- mains did  
 tions both barbarous and Ciuill; and communi-  
 therefore knewe by experience, the Lawes to  
 best and readiest way of making a the nati-  
 perfect & absolute conquest, refused ons, which  
 not to communicate their Lawes to they con-  
 the rude & barbarous people, whom quered.  
 they had Conquered; neither did they  
 put them out of their protection, af-  
 ter they had once submitted them-  
 selues. But contrary-wise, it is said  
 of *Iulius Caesar: Qua, vicit, victos pro-*  
*tegit ille, manu.* And againe, of ano-  
 ther Emperor:

*Fecisti patriam diuersis gentibus vnā,  
 Profuit inuitis te dominante capi;  
 Dumq; offers victis proprij consortia Iuris,  
 urbem fecisti, quod prius orbis erat.*

And of *Rome* itselſe;

*Hec*

*Hæc est, in gremium victos quæ sola  
recepit,*

*Humanumque genus communi nomine  
fouit,*

*Matris, non dominæ, ritu; Ciuesque  
vocavit,*

*Quos domuit, nexuque pio longinqua re-  
uinxit.*

*Tacitus in* Therefore (as *Tacitus* writeth) *Julius*  
*vita Agri-* *Agricola* the Romaine Generall in *Brit-*  
*cola.* *tany*, vsed this pollicy to make a per-

fect Conquest of our Ancestours, the  
ancient *Brittaines*; They were (sayth  
he) rude, and dispersed; and therefore  
prone vpon euery occasion to make  
warre, but to induce them by plea-  
sure to quietnesse and rest, he exhor-  
ted them in priuate, and gaue them  
helpes in common, to builde Tem-  
ples, Houses, and places of publique  
resort. The Noblemens sonnes, hee  
tooke and instructed in the Liberall  
Sciences, &c. preferring the wits of  
the *Brittaines*, before the Students of  
*France*;

*France*; as beeing now curious to attain the Eloquence of the Romaine Language, whereas they lately reiect-  
 ed that speech. After that, the *Roman Attire* grew to be in account, and the *Gowne* to be in vse among them; and so by little and little they proceeded to curiosity & delicacies in Buildings, and furniture of Household; in Bathes, and exquisit Banquets; and so beeing come to the heighth of Ciuility, they were thereby brought to an absolute subiection.

**L**ikewise, our Norman Conqueror, William though he oppressed the English Nobility very sore, and gaue away to his seruitors, the Lands and possessions of such, as did oppose his first inuasion, though he caused all his Actes of Counsell to be published in *French*; and some legall proceedings & pleadings to bee framed and vsed in the same tongue, as a marke and badge of a conquest; yet he gouerned both English and Normans, by one & the same Law.

the same Law; which was the ancient common Law of England, long before the Conquest. Neither did he denie any English-man (that submitted himselfe vnto him :) The benefit of that Law thogh it were against a Norman of the best ranke, and in greatest fauour (as appeared in the notable Controuersie betweene *Warren* the *Norman*, and *Sherburne* of *Sherburne* Castle in *Norfolke*; for the Conquerour had given that Castle to *Warren*; yet when the Inheritors thereof, had alledged before the King, that he neuer bore Armes against him; that hee was his subiect, aswel as the other, & that he did inherit and hold his Landes, by the rules of that Law, which the King had established among all his Subiects; The King gaue iudgement against *Warren*, and commanded that *Sherborn* shold hold his land in peace. By this meane, him-selfe obtained a peaceable possession of the kingdom within few yeares; whereas, if he had cast all the English out of his

*Causden in  
Northfolke*

his protection, and held them as Aliens and Enemies to the Crowne, the Normans (perhaps) might haue spent as much time in the Conquest of *England*, as the English haue spent in the Conquest of *Ireland*.

**T**HE like prudent course hath bin King Edw. obserued in reducing of Wales; <sup>i. did communicate the English Lawes to the Welshmen.</sup> which was performed partly by King *Edward* the first, and altogether finished by King *Henry* the eight. For, we finde by the Statute of *Rutland*, made the 12. of *Edward* the first, when the Welshmen had submitted themselues, *De alto & Basso*, to that King, he did not reiect and cast them off, as Out-lawes and Enemies, but caused their Lawes and Customes to be examined, which were in many points agreeable to the Irish or *Brebon* Lawe. *Quibus diligenter auditis & plenius intellectis, quasdam illarum* (saith the King in that Ordinance) *Consilio procerum dileuimus; quasdam permissimus; quasdam correximus; ac etiam quasdam*



*quasdam alias adjiciendas et faciend. decreuimus*; and so established a Commonwealth among them, according to the forme of the English Gouvernement. After this, by reason of the sundry insurrections of the Barons; the Warres in *France*; and the dissension betweene the two houses of *Yorke* and *Lancaster*, the State of England, neglected or omitted the execution of this Statute of *Rutland*; so as a great part of Wales grew wilde and barbarous again. And therefore King *Henrie* the eight, by the Statutes of the 27. and 32. of his raign, did reuiue and recontinue that Noble worke begun by King *Edward* the first; and brought it indeed to full perfection; For he vnited the Dominion of Wales, to the Crown of England, and deuided it into Shires, and erected in e- uery Shire, one Borough, as in Eng- land; and enabled them to send Knights & Burgessees to the Parlia- ment; established a Court of Presi- dency; and ordained that Iustices of Assise,

Assise, and *Gaol-delivrie*, should make their halfe yearly Circuits there, as in England; made all the Lawes & Statutes of *England*, in force there; and among other Welsh Customes, abolished that of *Gäuel-kinde*: wherby the Heyres-Females were vtterlie excluded, and the Bastards did inherit, as well as the Legitimate, which is the very Irish *Gäuelkinde*. By means whereof; that entire Country in a short time was securely settled in peace and Obedience, and hath attained to that Civility of Manners, and plentie of all things, as now we find it not inferiour to the best parts of *England*.

I will therefore knit vp this point with these conclusions; First, that the Kings of *England*, which in former Ages attempted the Conquest of *Ireland*, being ill aduised and counselled by the great men heere, did not vpon the submissions of the Irish, communicate their Lawes unto them,

M

nor

nor admit them to the state and condition of Free subiectes : Secondly, that for the space of 200. yeares at least, after the arriual of *Henry* the second in *Ireland*, the Irish would gladly haue embraced the Lawes of England, and did earnestly desire the benefite and protection thereof; which being denied them, did of necessitie cause a continual bordering warre between the English and the Irish. And lastly, if according to the examples before recited they had reduced as well the Irish Countries, as the English Colonies, vnder one forme of ciuil gouernment (as now they are,) the Meres & Bounds of the Marches and Borders, had beene long since worne out and forgotten, (for it is not fit, as *Cambrensis* writeth, that a King of an Island should haue any Marches or Borders, but the foure Seas) both Nations had beene incorporated and vnited; *Ireland* had beene entirely conquered, Planted, and improoued; and

*Giraldus  
Cambren-  
sis, lib. 2.  
de Hiberniâ  
expugnata.*

and returned a rich Reuennue to the Crowne of *England*.

THE next error in the Ciuill pollicy which hindered the perfection of the Conquest of *Ireland*, did consist in the *Distribution* of the Land<sup>2.</sup>es and possessions which were <sup>The</sup> woonne and conquered from the Irish. <sup>Landes</sup> For, the *Scopes of Land* which were <sup>conquered</sup> graunted to the first Adventurers, <sup>from the</sup> *were too Large* ; and the *Liberties* and <sup>Irish were</sup> *Royalties*, which they obtained therein, <sup>not well</sup> *were too great for Subiects* ; though <sup>distribut-</sup> it stood with reason that they should be rewarded liberally out of the fruites of their owne Labours, since they did *Militare propriis stipendiis*, and receiued no pay from the Crowne of *England*. Notwithstanding there ensued diuers inconueniences, that gaue great impediment to the Conquest. <sup>ed,</sup>

First, the Earle *Strongbow* was en-<sup>The pro-</sup> of Land <sup>portions</sup> titled to the whole Kingdom of <sup>of Land</sup> *Leinster* ; partly by Inuasion, and <sup>graunted</sup> partly <sup>to the first</sup> <sup>Aduentu-</sup> <sup>rers, wer</sup> <sup>too large.</sup>

partly by Marriage ; albeit, hee surrendered the same entirely to King *Henrie* the second his Soueraigne ; for that with his license hee came ouer ; and with the Ayde of his Subiects, hee had gayned that great inheritance ; yet did the K. re-grant backe againe to him and his heyres all that Province, reseruing onely the City of *Dublin*, and the Cantreds next adioying, with the Maritime Townes, and principall Forts and Castles. Next, the same King granted to *Robert Fitz Stephen*, and *Miles Cogan*, the whole Kingdome of *Corke*, from *Lismore* to the Sea. To *Philip le Bruce*, he gaue the whole Kingdome of *Limericke*, with the Donation and Byshoppricks and Abbeyes (except the Citie, and one Cantred of Land adioyning.) To Sir *Hugh de Lacy*, all *Meath*. To Sir *Iohn de Courcy*, all *Ulster* : to *William Burke Fitz-Adelm*, the greatest part of *Conaght*. In like manner, Sir *Thomas de Clare*, obtained a graunt of all *Thomond* ; and *Otho de Grandison* of all

*Giraldus*  
*Cambren-*  
*sis. lib. 2.*  
*de Hiber-*  
*nia expug-*  
*nata.*

*In Archiu.*  
*Tur. 5.*  
*Edw. 3.*  
*Escheat*  
*numero*  
*104.*

*2. Iohan-*  
*nis Chart.*  
*m. 15. &*  
*m. 38.*

*6. Iohan.*  
*Chart.*  
*m. 1.*

*7. Iohan.*  
*Chart. m.*

*12. & n.*  
*109. 6 Ed.*

*1. Chart.*  
*m. 19.*



all *Tipperary*; and *Robert le Poer*, of <sup>18. Ed. 1.</sup> the territory of *Waterford*, (the Citie <sup>m. 29.</sup> it selfe, and the Cantred of the Oast- <sup>Girald.</sup> men only excepted.) And thus was <sup>Camb. 2.</sup> all *Ireland* Cantonized among tenne <sup>de Hiber-</sup> persons of the English Nation; And <sup>niâ expug.</sup> All Ire-  
 though they had not gained the pos- <sup>land di-</sup> session of one third part of the whole <sup>tributed</sup> Kingdom, yet in Title they were <sup>to ten</sup> Owners and Lords of all, so as no- <sup>persons of</sup> thing was left to bee graunted to the <sup>the En-</sup> Natiues. And therefore we do not <sup>glisn Na-</sup> find in any Record or storie for the <sup>tion.</sup> space of three hundred yeares, after these Aduenturers first arriued in *Ireland*, that any Irish Lorde obtained <sup>6. H. 3.</sup> a grant of his Country from the <sup>Chart. m.</sup> Crowne, but onely the King of *Tho-*  
*mond*, who had a grant but during <sup>2.</sup> King *Henry* the third his Minority: and *Rotherick O Connor*, King of *Conaght*, to whom King *Henrie* the se- <sup>Houeden in</sup> cond, before this distribution made, <sup>H. 2. fol.</sup> did graunt (as is before declared.) <sup>302. Ar-</sup> *Vt* <sup>cbiu. turr.</sup> *fit Rex sub eo; & moreouer, Vt teneat* <sup>17. Iohan-</sup> *terram suam Conactiæ ita bene* <sup>nis Chart.</sup> *Et in*

6. Iohannis Claus. m. 18. *pace, sicut tenuit antequam. Dominus Rex intraret Hiberniam.* And whose successour, in the 24. of *Henrie* the third, when the *Bourkes* had made a strong plantation there, & had welny expelled him out of his territory, he came ouer into *England*, (as *Matth.*

*Matth.*  
*Paris in*  
*Henry the*  
*third.*

*Paris* writeth) and made complaint to King *Henrie* the third of this inuasion made by the *Bourkes* vppon his Land, insisting vppon the grauntes of King *Henrie* the second, and King *John*; and affirming that he had duely paide an yearely tribute of five thousand markes for his Kingdome. Whereupon, the King called vnto him the Lord *Maurice Fitz-Girald*, who was then Lorde Iustice of Ireland, and President in the Court; and commanded him that he should roote out that uniuert plantation, which *Hubert* Earle of *Kent* had in the time of his greatnesse, planted in those parts; and wrote withall to the great men of *Ireland* to remocue the *Bourkes*, and to establish the King of *Conaght* in the

the quiet possession of his Kingdome. Howbeit I doe not read that the King of Englands commandment or direction in this behalfe, was euer put in execution. For, the troth is; *Richard* 3. Henrie *de Burgo* had obtained a graunt of all 3. *Conaght*, after the death of the King of *Conaght*, then liuing. For which he gaue a thousand pounce, as the Record in the Tower reciteth, the third of *Henry* 3. *claus.* 2. And besides, our great English Lords coulde not endure that any Kings should raigne in Ireland, but themselues; nay, they could hardly endure that the Crown of *England* it selfe, should haue any Iurisdiction or Power ouer them. For many of these Lordes, to whom our Kings had granted these petty kingdomes, did by Vertue and colour of these Grants, claime and exercise *Iura Regalia* within their Territories; insomuch, as there were no lesse then eight Counties Palatines in Ireland, at one time.

The Liberties granted to the first aduenturers were too great. 8. Counties Palatines in Ireland at one time.

For

*Annales  
Hiberniæ  
in Cam-  
den.*

*In Archiu.  
Tur. 11.  
Edw. 3.  
Escheat n.  
28.*

*5. Coun-  
ties Pala-  
tines in  
Leinster.*

For *William Marshal*, Earle of *Pembroke*, who married the daughter and heyre of *Strongbow*, being Lord of all *Leynster*, had Royal Iurisdiction thoroughout al that Prouince. This great Lord had five sonnes and five daughters; euery of his sonnes enjoyed that Seigniory successiuelly, and yet al died without Issue. Then this great Lordship was broken and diuided, & partition made betweene the five daughters, who were married into the Noblest Houses of *England*. The Countie of *Catherlogh* was allotted to the eldest; *Wexford* to the second; *Kilkenny* to the third; *Kildare* to the fourth; the greatest part of *Leix*, now called the *Queenes County*, to the fift: In euery of these portions, the Coparceners feuerally exercised the same Iurisdiction Royall, which the Earle Marshall and his Sonnes had vsed in the whole Prouince. Whereby it came to passe, that there were five County Palatines erected in *Leinster*. Then had the Lord of *Meath* the

the same Royal libertie in all that Territory; the Earles of *Vlster* in all that Prouince; and the Lorde of *Desmond* and *Kerry* within that County. *Archiu. in*  
 All these appeare vppon Record, and *Castro*  
 were all as ancient as the time of *Dublin.*  
 King *Iohn*; onely the liberty of *Tip- perarie*, which is the onely liberty that *Archiu. Turr.*  
 remaineth at this day, was granted *pat. 3. E.*  
 to *James Butler* the first Earle of *Ormond*, in the thirde yeare of King *Edward* the third. *3. m. 28.*

These absolute Palatines made Barons and Knights, did exercise high Iustice in all points within their Territories, erected Courts for Criminall *Archiu. in*  
 and ciuill Causes, and for their owne *Castro*  
*Dublin.*  
 Reuennews; in the same forme, as the Kings Courts wer established at *Dublin*; made their own Iudges, Seneshals, Sheriffes, Corroners, and Escheators; so as the Kinges Writt did not run in those Counties (which took vp more then two partes of the English Colonies) but onely in the Church



Church Lands lying within the same, which were called the *Crosse*, wherein the K. made a Sheriffe : And so, in each of these Counties Palatines, there were two Sheriffes ; One, of the *Libertie*, and another of the *Crosse* : As in *Meib* we find a Sheriffe of the Liberty, and a Sheriffe of the *Crosse* : And so in *Ulster*, and so in *Wexford* : And so at this day, the Earle of *Ormond* maketh a Sheriffe of the Liberty, and the King a Sheriffe of the *Crosse* of *Tipperary*. Heereby it is manifest, how much the Kinges Iurisdiction was restrained, and the power of these Lords enlarged by these High Priuileges. And it doth further appear, by one Article among others, preferred to King *Edward* the thirde, touching the reformation of the state of Ireland, which we finde in the Tower, in these words ; *Item les franchises grantes in Ireland, que sont Roiales, telles come Duresme & Cestre, vous oustont cybien de les profits; Come de graunde partie de Obeisance des persons enfranchises ; & en quesun franchise est*  
*Chan-*

Chancellerie, Chequer & Conusans de pleas, cybien de la Couronne, come autres communes, & grantont auxi Charters de pardon ; et sont souent per ley et reasonable cause seiffes envostre main, a grand profit de vous ; et leigerment restitues per maundement hors de Engleterre, a damage, &c. Vnto which Article, the K. made answer : Le Roy voet que les franchises que sont et ferront per iuste cause prises en sa main, ne soient my restitues, avant que le Roy soit certifie de la cause de la prise de icelles. 26. Ed.

3. Claus. m. 1. Again, these great Undertakers, were not tied to any forme of plantation, but all was left to their discretion and pleasure. And although they builded Castles, and made Freeholders, yet were there no tenures or seruices reserued to the Crowne ; but the Lords drew all the respect and dependencie of the common people, vnto Themselves. Nowe let vs see what inconueniences did arise by these large and ample Grantes of Landes and Liberties, to the first Adventurers in the Conquest.

The inconueni-  
ences  
which  
grew by  
the large  
graunts of  
Lands and  
Liberties.

**A**ssuredly by these Grants of whole Prouinces and petty Kingdomes, those few English Lordes pretended to be proprietors of all the Land, so as there was no possibility left of settling the Natiues in their possessions, and by consequence the Conquest became impossible, without the utter extirpation of all the Irish; which these English Lords were not able to doe, nor perhaps willing, if they had bin able. Notwithstanding, because they did still hope to become Lordes of those Lands which were possessed by the Irish, whereunto they pretended Title by their large Grants; and because they did feare, that if the Irish were receiued into the Kings protection, and made Liege-men and Free-subiectes, the state of *England* would establish them in their possessions by Graunts from the Crowne; reduce their Countreies into Counties, ennoble some of them; and enfranchise all, and make them amefueable to the Lawe, which would

woulde haue abridged and cut off a great part of that greatnesse which they had promised vnto themselues: they perswaded the King of England, that it was vnfit to Communicate the Lawes of England vnto them; that it was the best pollicie to holde them as Aliens and Enemies, and to prosecute them with a continuall warre. Heereby they obtained another Royal prerogatiue and power: which was, to make Warre and peace at their pleasure, in euery part of the Kingdome. Which gaue them an absolute Commaund ouer the Bodies, Landes, and Goods of the English subiectes heere. And besides, the Irish inhabiting the Lands fully Conquered and reduced, being in condition of slaues and Villaines, did render a greater profit and Reuennue, then if they had bin made the Kings Free-subiects.

The Eng-  
lish Lords  
in Ireland,  
made war  
and peace  
at their  
pleasure.

And for these two causes last expressed, they were not willing to root out all the Irishry. We may not ther-

N

fore



fore meruaile, that when King *Edward* the third, vpon the petition of the *I.*rish (as is before remembred) was desirous to be certified, *De voluntate magnatum suorum in proximo Parlamento in Hibernia tenend. si sine alieno præiudicio concedere possit, quod per statut. inde fact. Hibernici utantur legibus Anglicanis, siue chartis Regijs inde Impetrandis*, that there was neuer any Statute made to that effect. For the troth is, that those great *English* Lords did to the vttermost of their power, crosse and withstand the enfranchisement of the *Irish*, for the causes before expressed; Wherein I must stil cleare and acquit the Crown and State of *England*, of negligence or ill pollicy, and lay the fault uppon the Pride, Couetousnesse, & ill Counsell of the *English* planted heer, which in all former ages haue bin the chiefe impediments of the final Conquest of *Ireland*.

Againe,



**A** Gaine, those large scopes of Land, <sup>The war</sup> and great Liberties, with the ab- <sup>and dis-</sup> solute power to make warre and peace, <sup>sention of</sup> the Eng. did raise the English Lordes to that <sup>lish Lordes</sup> height of Pride and Ambition, as that <sup>with one</sup> they could not endure one another, <sup>another.</sup> but grew to a mortall warre and dis- sention among themselues: as appea- reth by all the Records and Stories of this Kingdome. First, in the yeare, 1204. the *Lacies* of *Meth*, made Warre vpon Sir *John Courcy*; who hauing ta- ken him by treachery, sent him priso- ner into *England*. In the yeare, 1210. *Annales* King *John* comming ouer in person, *Hiberniæ* expelled the *Lacies* out of the King- *in Camden.* dome, for their tyranny and oppressi- on of the English: howbeit, vppon pay- ment of great Fines, they were after- ward restored. In the yeare, 1228. that family beeing risen to a greater heighth (for *Hugh de Lacy* the yonger, was created Earle of *Ulster*, after the death of *Courcy* without yssue) there arose dissention and warre betweene

that house, and *William Marshall* Lorde of *Leinster*; whereby all *Meth* was destroyed and layd wast. In the yeare, 1264. Sir *Walter Bourke* hauing married the Daughter & heire of *Lacy*, whereby he was Earl of *Vlster* in right of his Wife, had mortall debate with *Maurice Fitz-Morice* the *Geraldine*, for certaine Lands in *Conaght*. So as all *Ireland* was full of Wars between the *Bourkes* and the *Geraldines* (say our *Annalles*.) Wherein *Maurice Fitz-Morice* grew so insolent, as that vppon a meeting at *Tbistledermot*, he took the Lord Iustice himselfe, Sir *Richard Capell*, prisoner, with diuers Lords of *Mounster* beeing then in his Company. In the yeare, 1288. *Richard Bourke*, Earle of *Vlster*, (commonly called the Red Earle) pretending title to the Lordship of *Meth*, made warre vpon Sir *Theobald de Verdun*, and besiedged him in the Castle of *Atbloue*. Againe, in the yeare, 1292. *John Fitz-Thomas* the *Geraldine*, hauing by contention with the Lorde *Vesci*, gotten a goodly inheritance in *Kildare*,

*Kildare*, grew to that height of imagination (saith the Story) as he fell into difference with diuers great Noblemen; and among many others, with *Richard* the Red Earle, whom he took prisoner, and detained him in *Castle Ley*; and by that dissention, the English on the one side, and the Irish on the other, did waite and destroy all the Countrey.

*Annales  
Hiberniæ  
in Camden:*

After, in the yeare, 1311. the same Red Earle (comming to besiege *Bonratty* in *Thomond*, which was then held by Sir *Richard de Clare* as his inheritance) was againe taken prisoner: & all his Army (consisting for the most part of English) ouerthrown and cut in pieces, by Sir *Richard de Clare*. And after this againe, in the yeare, 1327. most of the great Houses were banded one against another, (viz :) The *Giraldines*, *Butlers*, and *Breminghams*, on the one side, and the *Bourkes* & *Poers* on the other. The ground of the quarrell beeing none other, but that

*Annales  
Iohannis  
Clynne.  
Manu-  
script.*

the Lord *Arnold Poer*, had called the Earle of *Kildare*, Rimer: But this quarrell was prosecuted with such malice and violence, as the Counties of *Waterford* and *Kilkenny* were destroyed with fire and sword, till a Parliament was called of purpose, to quiet this dissention.

Shortly after, the Lord *Iohn Bre-mingham*, who was not long before made Earle of *Louth*, for that notable service which he performed vpon the Scots, betweene *Dundalke* and the *Fa-ber*, was so extreamely enuied by the *Gernons*, *Verdons*, and others of the ancient Colony, planted in the County of *Louth*, as that in the year, 1329. they did most wickedly betray & murder that Earl, with diuers principall Gentlemen of his name and Family; vsing the same speech that the Rebelious Iewes are saide to vse in the Gospell:

*Nolumus hunc regnare super nos.*

After



After this, the *Geraldines* and the *Butlers* being becom the most potent families in the Kingdome (for the great Lordshippe of *Leinster* was diuided among Coparceners, whose heires for the most part liued in England; and the Earledom of *Vlster*, with the lordship of *Metb*, by the match of *Lionell* Duke of *Clarence*, at last discended vpon the Crowne) had almost a continuall warre one with another. In the time of king *Henry* the sixt (saith Baron *Finglas* in his Discourse of the Decay of *Ireland*,) in a fight betweene the Earles of *Ormond* and *Desmond*, almost all the Townes-men of *Kilkenny* were slaine. And as they followed contrary parties during the Warres of *Yorke* and *Lancaster*, so after that ciuil dissension ended in England, these Houses in Ireland continued their opposition and feud still, euen till the time of K. *Henry* the eight; when by the Marriage of *Margaret Fitz-Girald* to the Earl of *Ossory*, the houses of *Kildare* and

Manu-  
script of  
Baron  
Finglas.



and *Ormond* were reconciled, and haue continued in amity euer since.

Thus these great Estates and Royalties graunted to the English Lords in Ireland, begate Pride; and Pride, begat Contention among themselues, which broght forth diuers mischiefs, that did not only disable the English to finish the Conquest of all Ireland, but did endaunger the losse of what was already gained; And of Conquerors, made them slaues to that Nation which they did intend to Conquer. For, whensoever one English Lorde had vanquished another, the Irish waited and tooke the opportunity, & fell vpon that Country which had receiued the blow; and so daily recovered some part of the lands, which wer possessed by the English Colonies.

Besides, the English Lords to strengthen their parties, did ally themselues with the Irish, and drew them in, to dwell among them, gaue their Children

Stat. 10.  
Henrie 7.  
c. 4.

dren to be fostered by them ; and ha-<sup>Rot. Par-</sup>  
 uing no other meanes to pay or re-<sup>liam.</sup>  
 ward them, suffred them to take  
 Coigne and Livery vppon the English  
 Freeholders ; which Oppression was so  
 intollerable, as that the better sott  
 were enforced to quit their freeholds  
 and fly into England ; & neuer re-  
 turned, though many Lawes were  
 made in both Realmes, to remaunde  
 them backe againe : and the rest  
 which remained, became degenerat  
 and meer Irish, as is before declared.  
 And the English Lords finding the  
 Irish exactions to be more profitable  
 then the English Rents and seruices ;  
 & louing the Irish tyranny, which  
 was tyed to no Rules of *Law* or *Ho-*  
*nor*, better then a iust and lawfull  
 Seigniory, did reiect and cast off the  
 English Law and Gouvernment, re-  
 ceiued the Irish Lawes and Customes,  
 tooke Irish Surnames, as *Mac William*, <sup>Baron Fin-</sup>  
*Mac Pheris*, *Mac Yoris*, refused to <sup>glas Ma-</sup>  
 come to the Parliametes which were <sup>nuscript.</sup>  
 summoned by the King of England's  
 Authority,

Archiu.  
Turr. 5.  
Ed. 3.  
claus. m.  
4.

Authority, and scorned to obey those English Knights which were sent to command and gouerne this Kingdome; Namely, Sir *Richard Capel*, Sir *Iohn Morris*, Sir *Iohn Darcie*, and Sir *Raphe Vfford*. And when Sir *Anthony Lucie*, a man of great Authoritie in the time of King *Edward* the thirde, was sent ouer to reforme the notorious abuses of this Kingdom, the King doubting that he shold not be obeyed, directed a speciall Writt or Mandate to the Earle of *Vlyster*, and the rest of the Nobility to assist him. And afterwarde, the same King (vp-on good aduise and Counsell) resumed those excessiue Grants of Lands and Liberties in Ireland, by a special ordinance made in England, which remaineth of Record in the Tower, in this form: *Quia plures excessiue donationes terrarum et libertatum in*

Archiu.  
Turr. 15.  
Ed. 3.  
claus. æ.  
4.

*Hibernia ad subdolan machinationem petentium factæ sunt, &c. Rex delusorias huiusmodi machinationes volens elidere, de consilio peritorum sibi assistentium,*

tium, omnes donationes Terrarum et libertatum prædict. duxit reuocandas, quo-  
 usque de meritis donatariorum et causis ac  
 qualitatibus donationum melius fuerit in-  
 format et ideo mandatum est Iusticiario  
 Hiberniæ quod seisciri faciat, &c. How-  
 beit, ther followed vpon this resump-  
 tion, such a diuision & faction be-  
 tween the *English* of birth, and the  
 English of bloud and race, as they  
 summoned & held seuerall Parliaments  
 apart one from the other. Where-  
 uppon, there had risen a general war  
 betwixt them, to the vtter extinguish-  
 ing of the English Name and Nation  
 in *Ireland*, if the Earle of *Desmond*, *Annales*  
 who was head of the faction against *Hiberniæ*  
 the English of birth, had not beene *in Camden.*  
 sent into England, and detained there  
 for a time: yet afterwarde, these  
 liberties being restored by direction  
 out of England, the 26. of *Edw. 3.*  
 complaint was made to the King of  
 the easie restitution; whereunto the  
 King made answer, as is before ex-  
 pressed: so as we may conclude this  
 point with that which we finde in the  
 Annalles,



Annalles, published by Maister Camden: *Hibernici debellati & consumpti fuissent, nisi seditio Anglicorum impedi- visset.* Whereunto I may adde this note, that though some are of opinion, that Grants of extraordinary Honours and Liberties made by a King to his subiects, do no more diminish his greatnesse, then when one Torch lighteth another; for it hath no lesse light, then it had before, *Quis vetat appposito lumen de lumine sumi?*

The first have held up their Soueraignty best, which haue beene sparing in those Adventu- Graunts. And truely as these Graunts rers ob- of little Kingdomes, and great Roy- tained tialties, to a few priuate persons, did these libe- produce the mischiefes spoken of be- ral grants, fore: So the true cause of the ma- because king of these Grants, did proceede the Kings of Eng- from this; That the Kings of England land did beeing otherwise employed and diuert- not profe- ed, did not make the Conquest of cute the warre at their owne charge. *Ireland, their own worke, and vnder-*



take it not royally at their owne charge; but as it was first begun by perticular Aduenturers, so they left the prosecution thereof, to them, & other voluntaries, who came to seeke their fortunes in Ireland; wherein if they could preuayle, they thought that in reason & honor they could doe no lesse, then make them proprietors of such scopes of Land as they could conquer, people, & plant at their owne charge, reseruing only the Soueraigne Lordshippe to the Crowne of England. *But if the Lyon had gone to hunt himselfe, the shares of the inferior Beastes had not beene so great:* If the inuasion had been made by an army transmitted, furnished, & supplied only at the kings charges, & wholly paid with the Kings Treasure, as the Armies of Queene ELIZABETH, and King James haue been; as the conquest had beene sooner atchiued, so the seruitors had beene contented with lesser proportions.

O

For,

How the  
State of  
Rome re-  
warded  
their men  
of warre.

*William  
the Con-  
queror.*

*Camden in  
Chester.*

For, when *Scipio, Pompey, Cæsar,* and other Generals of the *Roman Armies*, as *Subiectes* and *Servants* of that State, and with the publicke Charge had conquered many Kingdomes & Commonweales, wee finde them rewarded with Honorable Offices and Triumphes at their returne; and not made Lords and proprietors of whol Prouinces and Kingdoms which they had subdued to the Empire of Rome. Likewise, when the Duke of *Normandy* had conquered England, which he made his owne worke, and performed it in his owne person, hee distributed sundry Lordships and Mannors vnto his followers, - but gaue not away whole Shires and Countreyes in demeasne to any of his seruitors, whom he most desired to aduance. Only, he made *Hugh Lupus* County Palatine of *Chester*, and gaue that Earledome to him and his heyres, to hold the same, *Ita liberè ad gladium, sicut Rex tenebat Angliam ad Coronam.*

*Coronam.* Whereby that Earledome indeed had a royal Iurisdiction, and Seigniory, though the Landes of that Countie in demefne, were possessed for the most part by the auncient Inheritors.

Again, from the time of the Norman Conquest, till the raigne of King Edward the first, many of our English Lords, made warre vpon the Welshmen at their owne charge; the lands which they gained they held to their owne vse, were called *Lords Marchers*, and had Royal Liberties within their Lordshippes. Howbeit, these particular Aduenturers, could neuer make a perfect Conquest of Wales.

Wales distributed to the L. Marchers.

But when King *Edward* the first, came in person with his army thither, kept his residence and Court there; made the reducing of *wales*, an enterprize of his owne; hee finished that worke in a yeare or two,

whereof the Lords *Marchers* had not performed a third part, with their continuall bordering warre, for two hundred years before. And withall we may obserue, that though this King had nowe the Dominion of Wales in *Iure proprietatis*, as the Statute of *Rutland* affirmeth; which before was subiect vnto him, but in *Iure feodali*: And though he had lost diuers principall Knights & Noblemen in that Warre, yet did he not reward his seruitors with whol Countries or Counties, but with particular Mannors and Lordships: as to *Henrie Lacy* Earle of *Lincolne*, hee gaue the Lordship of *Denbigh*; and to *Reignold Gray*, the Lordship of *Rutben*, and so to others. And if the like course had beene vsed in the winning and distributing of the Landes of *Ireland*, that Island had beene fully conquered before the continent of *Wales* had beene reduced. But the troth is, when Priuate men attempt the Conquest of Countries at their  
own

own charge, commonly their enterprizes doe perrish without successe: as when, in the time of *Queene Elizabeth*, *Sir Thomas Smith* vndertooke to recouer the *Ardes*: and *Chatterton*, to reconquer then *Fues* and *Orier*. The one lost his Sonne; and the other, Himselfe; and both their Adventures came to nothing. And as for the Crowne of England, it hath had the like fortune in the Conquest of this Land, as some purchasers haue; who desire to buy Land at too easie a Rate: they finde those cheap purchases so full of trouble, as they spende twice as much as the Land is woorth, before they get the quiet possession thereof.

And as the best pollicy was not observed in the distribution of the conquered Lands; so as I conceyue, that the first Adventurers intending to make a full Conquest of the Irish, were deceiued in the choyse of the *Fittest places for their plantation*. For



they fate downe, and erected their Castles and Habitations in the *Plaines* & *open Countries*; wher they found most fruitfull and profitable Lands, and turned the Irish into the *Woods* & *Mountains*: Which, as they were proper places for Out-Lawes and Theeves, so were they their Naturall Castles and Fortifications; thither they draue their preyes and stealths; there they lurkt, and lay in waite to doe mischiefe. These fast-places they kept vnknowne, by making the wayes and Entries thereunto impassable; there they kept their Creaghts or Heardes of Cattle, liuing by the Milke of the Cowe, without Husbandry or Tillage; there they encreased and multiplied vnto infinite numbers, by promiscuous generation among themselues; there they made their Assemblies and Conspiracies without discovery: But they discovered the weaknes of the English dwelling in the open plaines; and thereupon made their sallies and retraites with  
great

great aduantage. Whereas, on the other side, if the English had builded their Castles and Towns in those places of fastnesse, and had driuen the Irish into the Plaines and open Countries, where they might haue had an eye and obseruation vpon them, the Irish had beene easily kept in Order, and in short time reclaimed from their wildnesse; there they woulde haue vsed Tillage, dwelt together in Towne-ships, learned Mechanicall Arts & Sciences. The woods had bin wasted with the English Habitations, as they are about the Forts of *Mariborough* and *Phillipston*, which were built in the fastest places in *Leinster*, and the wayes and passages throughout Ireland, would haue beene as cleare and open, as they are in England at this day.

**A** Gaine, if King *Henry* the second, The English Lords who is said to be the K. that Conquered this Land, had made Forests in Ireland, as he did enlarge the woods and waists

in Forrests the Forrests in England (for it ap-  
 & Parks. peareth by *Charta de Foresta*, that hee  
*Chart. de* afforrested many woods and wafts,  
*Forest. c.* to the Greeuance of the Subiect,  
 2, & 3. which by that Lawe were disafor-  
 rested,) or if those English Lordes,  
 amongst whom the whole Kingdome  
 was deuided, had beene good Hun-  
 ters, and had reduced the Moun-  
 taines, Bogges, and woods within the  
 limits of Forrests, Chases, and Parkes;  
 assuredly, the very Forrest Law, and  
 the Law *de Malefactoribus in parcis*,  
 would in time haue driuen them into  
 the Plains & Countries inhabited and  
 mannured, and haue made them  
 yeeld vppe their fast places to those  
 wilde Beastes which were indeede  
 lesse hurtfull and wilde, then they.  
 But it seemeth straunge to mee,  
 that in all the Recordes of this King-  
 dome, I seldome find any meption  
 made of a Forrest; & neuer of anie  
 Parke or Free-warren; considering  
 the great plenty both of *Vert* and  
 Venison within this Land; and that  
 the

the cheefe of the Nobility and Gentry are discended of English race; and yet at this day, there is but one Parke stored with Deere in al this kingdom: which is a Parke of the Earle of *Ormonds*, neer *Kilkenny*. It is then manifest, by that which is before expressed; that the not communicating of the English lawes to the Irish; the ouer-large Grants of Lands and Liberties to the English; the plantation made by the English in the Plaines and open Countreyes, leauing the Woods and Mountaines to the Irish, were great Defects in the Ciuill policy, and hindered the perfection of the Conquest verie much. Howbeit, notwithstanding these Defects and Errours, the English Colonies stood and maintained themselus in a reasonable good estate, as long as they retained their owne auncient Lawes and Customes, according to that of *Ennius: Moribus antiquis res stat. Romana virisque*. But when the

The English Colonies reiect-  
ed the

English lawes and customes, and embraced the Irish. so loose, as that the English Lords, would no suffer the English Lawes to be put in execution within their Territories & Seigniories, but in place therof, both they and their people, embraced the Irish Customes : Then the estate of things, like a Game at Irish, was so turned about, as the English, which hoped to make a perfect Conquest of the Irish, were by them perfectly and absolutely conquered ; because *Victi victoribus leges dedere.* *A iust punishment to our Nation, that wold not giue Lawes to the Irish when they might : and therefore nowe the Irish gaue Lawes to them.* Therefore, this Defect and failing of the English Iustice, in the English Colonies ; and the inducing of the Irish Customes in lieu thereof, was the maine impediment that did arrest and stoppe the course of the Conquest ; and was the only meane that enabled the Irishrie to recouer their strength againe.

For



**F**OR, if wee consider the Nature The nature of the Irish Customes.  
 of the Irish Customes, wee shall  
 finde that the people which doth  
 vse them, must of necessitie bee Re-  
 belles to all good Gouvernment,  
 destroy the commonwealth where-  
 in they live, and bring Barbarisme  
 and desolation vpon the richest and  
 most fruitfull Land of the world.  
 For, whereas by the iust and Ho-  
 nourable Law of England, & by the The Irish  
 Lawes of all other well-gouerned laws and  
 Kingdomes and Commonweals, Mur- Customs,  
 der, Man-slaughter, Rape, Robbery, differing  
 and Theft, are punnished with death; from the  
 By the Irish Custome, or *Brehon* Law, Lawes &  
 the highest of these offences was pu- Customs  
 nished onely by Fine, which they of all ci-  
 called an *Ericke*. Therfore, when uill Na-  
 Sir *William Fitz-williams*, (being Lord tions.  
 Deputy) told *Maguyre* that hee was The Irish  
 to send a Sheriffe into *Fermaunagh*, Law in  
 being lately before made a County; Criminall  
 your Sheriffe (saide *Maguyre*) shall be causes.  
 welcome to me, but let me knowe  
 his *Ericke*, or the price of his head  
 afore

afore hand; that if my people cut it off, I may cut the *Erick* vpon the Countrey. As for Oppression, Extortion, and other trespases, the weaker had neuer anie remedy against the stronger: whereby it came to passe, that no man coulde enioy his Life, his Wife, his Lands or Goodes in safety, if a mightier man then himselfe had an appetite to take the same from him. Wherein they were little better then *Canniballes*, who doe hunt one another; and he that hath most strength and swiftnes, doth eate and deuoure all his fellows.

Againe, in England, and all well ordered Common-weales, men haue certaine estates in their Lands & possessions, and their inheritances descend from Father to Son, which doth giue them encouragement to builde, and to plant, and to improoue their Landes, and to make them better for their posterities. But by the  
Irish

Irish Custome of *Tanistry*, the Chee-<sup>The Irish</sup>  
 fetanes of euery Countrey, and the<sup>Custome</sup>  
 chiefe of euery Sept, had no longer<sup>of Tani-</sup>  
 estate then for life in their Cheefe-<sup>stry.</sup>

ries, the inheritance whereof, did rest  
 in no man. And these Cheeferies,  
 though they had some portions of  
 Lande allotted vnto them, did con-  
 sist chiefly in cuttings and Cosheries,  
 and other Irish exactions, whereby  
 they did spoyle and impouerish the  
 people at their pleasure. And when

their Chieftanes were dead, their son-  
 nes or next heires did not succeede  
 them, but their *Tanistes*, who were  
 Electiue, and purchased. their elec-  
 tions by strong hande ; And by the

Irish Custome of *Gauellkinde*, the<sup>The Irish</sup>  
 inferiour Tennanties were partible a-<sup>Custome</sup>  
 amongst all the Males of the Sept,<sup>of Gauer-</sup>  
 both Bastards and Legittimate : And<sup>kinde.</sup>

after partition made, if any one of  
 the Sept had died, his portion was  
 not diuided among his Sonnes, but  
 the cheefe of the sept, made a new  
 partition of all the Lands belonging

to that Sept, and gaue euerie one his part according to his antiquity.

The mis-  
chiefs that  
arise by  
these two  
Customes.

**T**Hese two Irish Customes made all their possessions vncertain, being shuffled, and changed, and remoued so often from one to another, by new elections and partitions; which vncertainty of estates, hath bin the true cause of such Desolation & Barbarism in this land, as the like was neuer seen in any Countrey, that professed the name of Christ. For, though the Irishry be a Nation of great Antiquity, and wanted neither wit nor valour; and though they had receiued the Christian Faith, above 1200. yeares since; and were Lovers of Musicke, Poetry, and all kinde of learning; and possessed a Land abounding with all thinges necessary for the Ciuill life of man; yet (which is strange to bee related) they did neuer builde any houses of Bricke or stone (some few poor Religious Houses excepted) before the raigne of  
of

of King *Henrie* the second, though they wer Lords of this Island for many hundred yeares before, and since the Conquest attempted by the English : Albeit, when they sawe vs builde Castles vppon their borders, they haue only in imitation of vs, erected some few piles for their Captaines of the Country : yet I dard boldly say, that neuer any perticuler person, eyther before or since, did builde anie stone or bricke house for his priuate Habitation ; but such as have latelie obtained estates, according to the course of the Law of *England*. Neither did any of them in all this time, plant any Gardens or Orchards, Inclose or improue their Lands, liue together in setled Villages or Townes, nor made any prouision for posterity ; which being against all common sense and reason, must needes bee imputed to those vnreasonable Customes, which made their estates so vncertaine and transitory in their possessions.



For, who would plant or improve, or build vpon that Land, which a stranger whom he knew not, should possesse after his death? For that (as *Salomon* noteth) is one of the strangest Vanities vnder the Sunne. And this is the true reason why *Ulster*, and all the Irish Countries are found so wast and desolate at this day; and so wold they continue till the worlds end, if these Customes were not abolished by the Law of *England*.

Againe, that Irish Custom of *Gauelkinde*, did breede another mischiefe; for thereby, euery man being borne to Land, aswell Bastard, as Legitimate, they al held themselues to be *Gentlemen*. And though their portions were neuer so small, and themselves neuer so poor (For *Gauelkinde* must needs in the end make a poore Gentility,) yet did they scorne to discend to Husbandry or Marchandize, or to learn any Mechanicall Art or Science. And this is the true cause why there  
were

were neuer any Corporate Towns erected in the Irish Countries. As for the Maritime Citties and Townes, most certaine it is, that they were built and peopled by the *Ostmen* or *Easterlings*: for the natiues of Ireland neuer performed so good a worke, as to build a City. Besides, these poore Gentlemen were so affected vnto their small portions of Land, as they rather chose to liue at home by Theft, Extortion, and Coshering, then to seeke any better fortunes abroad: which encreased their *Septs* or *Syrnames* into such numbers, as there are not to bee found in anie Kingdome of *Europe*, so many Gentlemen of one Blood, Familie, and Syrname, as there are of the *O Neales* in *Vlster*; of the *Bourkes*, in *Conaght*; of the *Geraldines*, and *Butlers*, in *Munster & Leinster*. And the like may be saide of the Inferiour Bloodes and Families; whereby it came to passe in times of trouble and Dissention, that they made great parties and factions adhering one to another, with much

constancie ; because they were tied together, *Vinculo sanguinis* ; whereas Rebels and Malefactors which are tyed to their Leaders by no band, either of Dutie or Blood, do more easily breake and fall off one from another. And besides, their Coe-habitation in one Countrey or Territory, gaue them opportunity suddenly to assemble, and Conspire, and rise in multitudes against the Crowne. And euen now, in the time of peace, we finde this inconuenience, that ther can hardly be an indifferent triall had betweene the King & the Subject, or between partie and partie, by reason of this generall Kindred and Consanguinity.

The  
wicked  
Customes  
of Coigne  
and Li-  
uery.

**B**Vt the most wicked and mischie-  
uous Custome of all others, was  
that of *Coigne* and *Liuary*, often before  
mentioned ; which consisted in taking  
of *Manfmeate*, *Horsfemeat*, & *Money*,  
of all the inhabitants of the Country,  
at the will and pleasure of the soldier,  
who as the phrase of Scripture is, *Did*

*eate vpon the people as it were Bread*; for  
 that he had no other entertainment.  
 This Extortion was originally Irish,  
 for they vsed to lay *Bonaght* vpon their  
 people, and neuer gaue their Soldier  
 any other pay. But when the English  
 had Learned it, they vsed it with more  
 insolency, and made it more intolle-  
 rable; for this oppression was not  
 temporary, or limited either to place  
 or time; but because there was euery  
 where a continuall warre, either Offen-  
 siue, or Defensiue; and euery Lord of  
 a Countrey, and euery Marcher made  
 warre and peace at his pleasure; it be-  
 came Vniuersal and Perpetuall; and  
 was indeede the most heauy oppression,  
 that euer was vsed in any Christian or  
 Heathen Kingdom. And therefore,  
*Vox Oppressorum*, this crying sinne,  
 did drawe downe as great, or greater  
 plagues vpon Ireland, then the oppres-  
 sion of the *Isralites*, did draw vpon  
 the Land of *Egypt*. For the plagues  
 of *Egypt*, though they were grieuous,  
 were but of a short continuance. But  
 the

The mis-  
 chiefs that  
 did arise  
 by Coigne  
 & Liurey.

The cause  
of Idle-  
ness in  
the Irish.

the plagues of Ireland, lasted 400.  
yeares together. This Extortion of  
Coigne and Liury, did produce two  
notorious Effects. First, it made the  
Land wast; Next, it made the people,  
ydle. For, when the Husbandman  
had laboured all the yeare, the soldier  
in one night, did consume the fruites  
of all his labour, *Longiq; perit labor  
irritus anni.* Had hee reason then to  
manure the Land for the next yeare?  
Or rather might he not complaine as  
the Shepherd in *Virgil*:

*Impius hæc tam culta noualia miles ha-  
bebit?*

*Barbarus hæc segetes? En quo discordia  
Ciues*

*Perduxit miseros? En queis conseruimus  
agros?*

**A**N D heereupon of necessity came  
depopulation, banishment, &  
extirpation of the better sort of subjects;  
and such as remained became ydle,  
and lookers on, expecting the euent  
of



of those miseries and euill times: So  
 as this extreame Extortion and Op-  
 pression, hath beene the true cause of Irish are  
 the Idlenesse of this Irish Nation; and <sup>Why the</sup> <sup>Beggers</sup>  
 that rather the vulgar sort haue chosen <sup>in for-</sup>  
 to be Beggers in forraigne Countries, <sup>raigne</sup>  
 then to manure their own fruitful Land <sup>Coun-</sup>  
 at home. <sup>treyes.</sup>

Lastly, this Oppression did of force <sup>Why the</sup>  
 and necessity make the Irish a craftie <sup>Irish are</sup>  
 people: for such as are oppressed and <sup>reputed a</sup>  
 liue in slavery, are euer put to their <sup>crafty</sup>  
 shifts; *Ingenium mala sepe mouent*;  
 And therefore, in the old Comedies of  
*Plautus & Terence*, the Bondslaue doth  
 always act the cunning and Craftie part.  
 Besides, all the Common people haue a  
 whyning tune or Accent in their speech,  
 as if they did still smart or suffer some  
 oppression. And this Idlenesse, toge-  
 ther with feare of imminent mischiefes,  
 which did continually hang ouer their <sup>Why the</sup>  
 heads, haue bin the cause, that the <sup>Irish are</sup>  
 Irish were euer the most inquisitiue <sup>inquisitiue</sup>  
 people after newes, of any nation in <sup>after</sup>  
 the <sup>Newes.</sup>

the world. As *S. Paule* himselfe made obseruation vpon the people of *Athens*; that they were an ydle people, and did nothing but learne and tell *Newes*. And because these *Newes-Carriers*, did by their false intelligence, many times raise troubles and rebellions in this Realm, the Statute of *Kilkenny*, doth punish *Newes-tellers* (by the name of *Skelagbes*) with Fine and ran-some.

This Extortion of *Coigne* and *Li-uery*, was taken for the maintenaunce of their men of warre; but their Irish exactions extorted by the Chieftanes and *Tanists*, by colour of their barbarous Seigniory, were almost as grie-uous a burthen as the other; namely, *Cosherings*, which were visitations and progresse made by the Lord and his followers, among his Tenants: wher-in he did eate them (as the English Prouerbe is) *Out of house and home*. *Sessings* of the *Kerne*, of his family, called *Kernety*, of his *Horfes* & *Horf-boyes*;

*Cosher-  
ings.*

*Sessings.*

boyes ; of his Dogges and Dog-boyes, and the like : And lastly, *Cuttings*, *Cuttings*. *Tallages*, or *Spendings*, high or low, at his pleasure ; all which, made the Lorde an absolute Tyrant, and the Tennant a very slaue and villain ; and in one respect more miserable then Bonde-slaves. *For commonly the Bond-slaue is fed by his Lord, but beere the Lord was fedde by his Bondslave.*

Lastly, there were two other Customs proper and peculiar to the Irishry, which being the cause of many strong combinations and factions do tend to the vtter ruine of a Commonwealth : The one, was *Fostering* ; the other, *Gossipred* ; both which haue euer bin of greater estimation among this people, then with any other Nation in the Christian world. For *Fostering*, I did neuer heare or read, that it was in that vse or reputation in anie other Countrey, Barbarous or Ciuill, as it hath Beene, and yet is, in *Ireland* : where they put away al their children  
to

to Fosterers: the potent & rich men *Selling*; the meaner sort *Buying*, the alterage of their Children; and the reason is, because in the opinion of this people, *Fostering* hath alwayes beene a stronger alliance then *Bloud*; and the Foster-Children do loue and are be-  
 loved of their foster-fathers and their Sept, more then of their owne naturall Parents and Kindred; and do participate of their meanes more frankly, and do adhere vnto them in all fortunes, with more affection & constancy. And though *Tully* in his Book of Friendship doth obserue, that children of Princes being somtimes in cases of necessity for sauing of their liues deliuered to Shepheards to be nourished and bred vp, when they haue bin restored to their great fortunes, haue still retained their loue and affection to their Fosterers, whom for manie yeares they tooke to be their Parents: yet this was a rare case, and few examples are to be found thereof.

But

But such a generall Custome in a Kingdome, in giuing and taking children to Foster, making such a firme Alliance as it doth in *Ireland*, was neuer seene or heard of, in any other Countrey of the world besides.

**T**H E like may be said of *Gos-Gospre.d.* *sipred* or *Compaternitie*, which though by the Canon Law, it be a spirituall affinity, and a Iuror that was Gossip to either of the parties, might in former times have bin challenged, as not indifferent by our Law, yet there was no nation vnder the Sun, that euer made so Religious accompt thereof, as the Irish.

Now these two Customs, which of themselues are indifferent in other Kingdomes, became exceeding euill and full of mischief in this Realm, by reason of the inconueniencies which followed thereupon: For, they made (as I saide before) strong parties and factions, wherby the great men were

Q enabled



enabled to oppresse their Inferiours, and to oppose their Equals : and their followers were borne out and countenanced in all their lewde and wicked actions : For Fosterers and Gossips by the common Custome of Ireland, were to maintaine one another in all causes lawfull, and vnlawfull ; which as it is a Combination and Confederacy punishable in all well-gouerned Commonweales, so was it not one of the least causes of the common misery of this Kingdome.

I omit their common repudiation of their Wiues; their promiscuous generation of Children ; their neglect of lawfull Matrimony ; their vncleanesse in Apparell, Diet, & Lodging; and their contempt and scorne of all thinges necessary for the Ciuill life of man.

These were the Irish Customes, which the English Colonies did embrace and vse, after they had rejected  
the

the Ciuill and Honorable Lawes and Customes of *England*, whereby they became degenerate and metamorphosed like *Nabuchadnezzar* : who although he had the face of a man, had the heart of a Beast : or like those who had drunke of *Circes* Cuppe, and were turned into very Beasts ; and yet tooke such pleasure in their beastly manner of life, as they would not returne to their shape of men againe : Infomuch as within lesse time then the Age of a man, they had no markes or differences left amongst them of that Noble nation, from which they were discentded. For, as they did not only forget the English Language, & scorne the vse thereof, but grew to be ashamed of their very English Names, though they were noble and of great Antiquity ; and tooke Irish *Surnames* and *Nicke-names*. Namely, the two most potent families of the *Bourks* in *Conaght* (after the house of the Red Earle failed of Heyres-males) called their Cheefes, *Mac William Eighter*,

and *Mac William Oughter*. In the same Prouince, *Bremingham, Baron of Aihenrie*, called himself *Mac Yoris. Dexecester*, or *De'exon*, was cald *Mac Iordan*. *Mangle* or *de Angulo*, took the Name of *Mac Costelo*. Of the Inferior families of the *Bourkes*, one shas called *Mac Hubbard*, another *Mac David*. In *Munster*, of the great Families of the *Geraldines* planted there; One was called *Mac Morice* chiefe of the house of *Lixnaw*; and another, *Mac Gibbon*, who was also called the *white Knight*. The chiefe of the Baron of *Dunboynes* house, who is a branch of the house of *Ormond*, tooke the Surnames of *Mac Pberis*. *Condon* of the Countie of *Waterford*, was called *Mac Maioge*: and the Arch-Deacon of the County of *Kilkenny*, *Mac Odo*. And this they did in contempt and hatred of the English Name and Nation; whereof these degenerate families became more mortal enemies, then the meere Irish. And whereas the state and Gouvernment being growne weake by their defection, did to re-  
duce

duce them to Obedience, grant them many protections and Pardons (*The cheapenesse whereof, in all ages, hath brought great dishonor and damage to this Commonweal*) they grew so vngratefull and vnnaturall, as in the end they scorned that grace & fauour, because the acceptance thereof, did argue them to be subiects, and they desired rather to bee accounted Enemies, then Rebels to the Crowne of England.

Heereupon was that olde Verse made, *Alb. libr.*  
 which I finde Written in the White *Scacc.*  
 Booke of the Exchequer, in a hand as *Dublin.*  
 auncient as the time of King Edward  
 the third,

*By graunting Charters of peas,  
 To false English withouten les,  
 This Land shall be mick vndoo.  
 But Gossipred, and alterage,  
 And leefing of our Language,  
 Haue mickely holp theretoo.*

And therefore, in a close Roll in the Tower, bearing this Title; *Articuli in Hibernia obseruandi*: we finde these two Articles among others. 1. *Iusticiarius Hiberniæ non concedat perdonationes de morte hominis, nec de Roberijs, seu incendijs, & quod de cætero certificet dominum regem de nominibus petentium.* 2. *Item, Quod nec Iusticiarius nec aliquis Magnas Hiberniæ concedat protectiones alicui contra pacem Regis existent. &c.*

But now it is fit to looke backe and consider when the old English Colonies became so degenerate; and in what Age they fell away into that Irish barbarisme, reiecting the English lawes and Customes. Assuredly, by comparing the ancient Annalles of Ireland with the Records remaining heere, & in the Tower of London, I do find that this generall defection, fell out in the latter end of the raign of king *Edward* the second, and in the beginning of the raigne of King *Edward* the thirde. And all this great innovation, grewe within the space of thirty years: with-

in

When and  
how the  
English  
Colonies  
became  
degenerate.



in the compasse of which time, there fell out diuers mischieuous accidents, whereby the whole kingdome was in a manner lost. For first, *Edward de Bruce* inuaded *Ireland* with the Scot-<sup>The Scots.</sup> tish Army, and preuailed so farre, as ouerrun that he possessed the Maritime parts <sup>Ireland.</sup> of *Ulster*, marched up to the walles of *Dublin*, spoiled the English Pale, passed thorough *Leinster* and *Munster*, as farre as *Limericke*, and was Maister of the field in euery part of the kingdome.

This hapned in the tenth yeare of King *Edward* the second, at what time the Crowne of *England* was weaker, & suffred more dishonor in both kingdomes, then it did at any time since the *Norman* Conquest. Then did the State of *England* send ouer *John de Ho-* <sup>Annales</sup> *tham* to be Treasurer heere, with com- <sup>Hibernia</sup> mission to call the great Lords of Ire- <sup>in Cam-</sup> land together; and to take of them an Oath of Association, that they should loyally ioyne together in life & death  
to

to preserve the right of the King of *England*, and to expell the common enemy. But this Treasurer brought neither men, nor money, to performe this service.

At that time, though *Richard Bourk* Earle of *Ulster* (commonly called the Redde-Earle) were of greater power then any other subiect in *Ireland*, yet was he so farre stricken in yeares, as that hee was vnable to mannage the martiall affaires, as he had done during all the raigne of King *Edward* the first: hauing bin generall of the Irish forces, not only in this kingdom, but in the Wars of *Scotland*, *Wales*, and *Gascoigne*. And therefore, *Maurice Fitz-Thomas* of *Desmond*, beeing then the most actiue Nobleman in this realm, tooke vpon him the chiefe command in this Warre: for the support whereof, the Reuennue of this Lande, was farre too short, and yet no supply of Treasure was sent out of *England*.

Desmond  
cheefe  
Comman-  
der in the  
warre a-  
gainst the  
Scots.

Then

Then was there no mean to main-  
 tain the army, but by Seſſing the ſol-  
 diers vpon the ſubieſt, as the Irish  
 were wont to impoſe their *Bonaught*.  
 Whereupon, grewe that wicked Ex-  
 tortion of *Coigne* and *Liuerie* ſpoken of  
 before, which in ſhort time baniſhed  
 the greateſt part of the Free-holders  
 out of the County of *Kerrie*, *Limerick*,  
*Corke*, and *Waterford*; Into whole poſ-  
 ſeſſions, *Deſmond* and his Kinſmen,  
 Alies, and Followers, which were  
 then more Irish then Engliſh, did en-  
 ter and appropriate theſe Lands vnto  
 themſelues, *Deſmond* himſelfe taking  
 what ſcopes hee beſt liked for his de-  
 meſnes in euery Countrey, and refer-  
 uing an Irish Seigniory out of the reſt.  
 And heere, that I may uerifie & main-  
 taine by matter of Record, that which  
 is before deliuered touching the Na-  
 ture of this wicked Extortion, called  
*Coigne* and *Liuary*; and the manifeſte  
 miſchiefes it did produce, I thinke it  
 fit and pertinent to inſert the pre-  
 amble.

amble of the Statute of the 10. of Henry 7. c. 4. not printed, but recorded in Parliament Rols of Dublin, in these words : *At the request & supplication of the Commons of this Land of Ireland, that where of long time there hath bin used and exacted by the Lords and Gentlemen of this Land, many and diuers damnable customes and vsages, which bin called Coigne, and Liuary, and Pay ; that is, Horsemeat, and Mansmeat, for the finding of their Horsemen and Footmen ; and ouer that 4. d. or 6. d. daily to euery of them to be had and paide of the poore Earth-Tillers, and Tenants, inhabitants of the saide Land, without any thing doing or paying therefore. Besides, manie Murders, Robberies, Rapes, & other manifold extortions & oppressions by the saide Horsemen and Footmen, dayly and mightily committed & done ; which bin the principall causes of the Desolation & destruction of the said Land, & hath brought the same into Ruine and Decay, so as the most part of the English Freeholders*

holders and Tenants of this land bin departed out thereof, some into the Realme of England, and other some to other strange Landes; whereupon the foresaide Lordes and Gentlemen of this Land, haue intruded into the saide Free-holders and Tenants inheritances; and the same keepeth and occupieth as their owne inheritances; and setten vnder them in the same Land the Kings Irish Enemies, to the diminishing of Holie Churches Rites, the disherison of the King, & his Obedient subiects, and the utter ruine and desolation of the Land. For Reformation whereof, he it enacted, That the King shall receive a Subsidie of 26 s. 8 d. out of euery 120. acres of arrable Land manured, &c. But to return to Tho. Fitz-Maurice of Desmond; By this extortion of Coigne and Liury, he suddenly grewe from a meane, to a mighty estate; insomuch as the Baron Finglas in his discourse of the Decay of Ireland, affirmeth; that his ancient inheritance beeing not one thousand markes yearely, he became able to dispend



dispend euey way, ten thousand pounds, *per annum*.

These possessions being thus vn-lawfully gotten, could not bee maintained by the iust and honourable law of England, which would have restored the true Owners to their Land againe. And therefore, this Great man found no meanes to continue & vphold his ill-purchased greatnesse, but by rejecting the English Lawe & Gouvernment, and assuming in lieu thereof, the barbarous customs of the Irish. And heereupon, followed the defection of those foure shires, containing the greatest part of *Munster*, from the obedience of the Law.

In like manner (saith Baron *Fin-glas*) the Lord *Tipperary*) perceiuing how well the house of *Desmond* hadde thrived by *Coigne* and *Liuerie*, and other Irish exactions) began to holde the like course in the Counties of *Tipperary* and *Kilkenny*; whereby he  
got

got great scopes of Land, especially in *Ormond*; and raised many Irish exactions vpon the English Free-holders there; which made him so potent & absolut among them, as at that time they knew no other Lawe, then the will of their Lord. Besides, finding, that the Earle of *Desmond* excluded the ordinary Ministers of Iustice, vnder colour of a Royal Liberty, which he claimed in the Counties of *Kerry*, *Corke*, and *Waterford*, by a graunt of King *Edward* the first (as appeareth in a *Quo warranto*, brought against him, *Anno* 12. *Edw.* 1.) the Record whereof, remaineth in *Breminghams* Tower, among the common Plea-Rolles there.

This Lord also, in the third of *Edward* the thirde, obtained a Graunt of the like Liberty in the County of *Tipperary*, whereby he got the Lawe into his owne hands, and shut out the Common Law and Iustice of the Realme.

R

And

And thus we see, that all *Munster* fell away from the English Lawe and Gouvernment, in the end of King *Edward* 2. his raigne; and in the beginning of the raigne of King *Edward* the third. Againe, about the same time, (viz:) in the 20. yeare of King *Edward* the second, when the State of *England* was well-ny ruined by the Rebellion of the Barons, and

The rising  
of Mac  
*Murrogh*  
and O  
*Moore* in  
*Leinster*.  
*Annales*  
*Hiberniæ*  
in *Camden*.

*Annales*  
*Ioban*.  
*Clynne*.  
*Manus*.

The de-  
fect and  
losse of a  
great part  
of *Lein-*  
*ster*.

the gouernment of Ireland vtterly neglected, there arose in *Leinster*, one of the *Cauanaghes*, named *Donald Mac Art*, who named himselfe *Mac Murrogh*, King of *Leinster*, and possessed himselfe of the Countie of *Catherlogh*, and of the greatest part of the County of *Wexford*. And shortly after, *Lisagh O Moore*, called himselfe *O Moore*, took 8. Castles in one Euening, destroyed *Dunamase* the principall house of the *L. Mortimer* in *Leix*, recovered that whole Countrey, *De seruo Dominus, de subiecto princeps effectus*, saith *Friar Clynne* in his *Annalles*.

Besides,

Besides, the Earle of *Kildare*, imitating his Cousin of *Desmond*, did not omit to make the like vse of Coigne and Liuey in *Kildare*; and the West part of *Meib*, which brought the like barbarisme into those parts. And thus a great part of *Leinster* was lost, and fell away from the Obedience of the Crowne, neere about the time before expressed.

Againe, in the seauenth yeare of King *Edward* the third, the Lord *William Bourke*, Earle of *Vlster*, and The Earle Lorde *Conaght*, was treacherously murdered by his owne Squires at *Knocke-fergus*, leauing behinde him, *Vnicam* Annales Iohan. *& unius anni filiam* (saith Friar *Clynne*.) Clynne. Manus. Immediately vpon the murder committed, the Countesse with her yong daughter, fledde into England; so as the Gouvernement of that Countrey, was wholly neglected, vntil, that young Ladie beeing married to *Lionell* Duke of *Clarence*, that Prince cam

The Earl-  
dom of  
Ulster re-  
covered  
by the  
Irish.

Abridge-  
ment of  
*Salus po-  
puli. Ma-  
nuscript.*  
Baron  
*Finglas,*  
Manu-  
script.

ouer with an Army, to recouer his  
wifes inheritance, and to reforme this  
Kingdom, Anno 36. of *Edward* the  
third. But in the meane time, what  
became of that great Inheritance both  
in *Ulster* & *Conoght*? Assuredly, in  
*Ulster*, the Sept of *Hugh Boy O Neal*,  
then possessing *Glaucoukeyn* and *Kil-  
leightra* in *Tyrone*, tooke the opportu-  
nity; and passing ouer the *Banne*, did  
first expell the English out of the Ba-  
rony of *Tuscard*, which is now called  
the *Rout*; and likewise, out of the  
*Glynnes* and other Lands vp as farre  
as *Knockefergus*, which Countrey or  
extent of Lande, is at this day called,  
the lower *Clan Hugh-Boy*. And short-  
ly after that, they came vp into the  
the great *Ardes*. which the Latine  
writers call, *Altitudines Ultoniæ*, and  
was then the inheritaunce of the *Sa-  
uages*; by whom, they were valiantly  
resisted for diuers yeares: but at last, for  
want of Castles and fortifications (for  
the saying of *Henrie Sauage* mentioned  
in euery Story, is very memorable;  
That



That a Castle of *Bones*, was better then a Castle of *Stones*) the English were ouer-run by the multitude of the Irishry : So as about the thirtieth of *Annals* K. *Edw.* 3. some few yeares before *Hibernia* the arriuall of the Duke of *Clarence*, *in Cam-*  
*den.* the *Sauages* were vtterly driuen out of the Great *Ardes*, into a little nooke of land neer the Riuer of *Strangford*; where they now possesse a little Territory, called the little *Ards*; and their greater patrimony tooke the name of the vpper *Clan Hugh-Boy*, from the Sept of *Hugh-Boy O Neale*, who became Inuaders thereof.

**F**Or *Conaght*, some yonger branch-  
 es of the family of the *Bourkes*, *The de-*  
 being planted there by the Red-Earle *fection of*  
 & his Ancestors, seeing their Chiefe *Conaght.*  
 to bee cut off, and dead without Heire-male, and no man left to gouern or protect that Province, intruded presently into all the Earles Lands, which ought to haue bin seized into the kings handes, by reason of the

*Baron Fin-  
glas, Ma-  
nuscript.*

minoritie of the heire. And within a short space, two of the most potent among them, diuided that great Seigniorie betwixt them: the one taking the name of *Mac William Oughter*; and the other of *Mac William Eighter*; as if the Lord *William Bourk* the last Earle of *Ulster*, had left two sonnes of one name behinde him to inherit that Lordship in course of Gavelkind. But they well knewe, that they were but Intruders vppon the Kings possession during the minority of the heire; they knewe those lands were the rightfull inheritance of that young Lady; and consequently, that the Law of England woulde speedily euict them out of their possession; & therefore, they held it the best policy to cast off the yooke of English Law, and to become meere Irish; and according to their example, drew al the rest of the English in that Prouince, to do the like; so as from thenceforth they suffered their possessions to run in course of *Tanistry* and *Gavelkinde*.

*kinde.* They changed their names, language, and apparrell, and all their ciuil manners and Customes of living. Lastly, about the 25. yeare of King *Edward* the third, Sir *Richard de Clare* Annales Hiberniæ in Camden. was slaine in *Thomond*, and al the English Colonies there, vtterly sup-  
planted.

Thus in that space of time, which was betweene the tenth yeare of king *Edward* the second, and the 30. yeare of King *Edward* the third (I speak within compasse) by the concurrence of the mischiefes before recited, all the old English Colonies in *Munster*, *Conaght*, and *Ulster*; & more then a third part of *Leinster*, became degenerat, & fell away from the Crowne of England; so as onely the foure Shyres of the English Pale, remained vnder the Obedience of the Lawe; and yet the Borders and Marches thereof, were growne unruly, and out of order too, being subiect to *Blacke-Rents* and *Tribute* of the Irish; which

What courses haue bin taken to reforme this kingdom, since the English Colonies became degenerate.

was a greater defection, then when tenne of twelue Tribes departed, and fell away from the Kings of *Iuda*.

But was not the State of England sensible of this losse and dishonour? Did they not endeuor to recouer the Land that was lost, and to reduce the subiects to their Obedience?

*Edwardz.* Truely King *Edward* the second, by the incursions of the Scottish Nation, and by the insurrection of his Barons, who raised his wife and his Sonne against him, and in the end deposed him, was diuerted and vtterly disabled to reforme the disorders of Ireland. But assoone as the crown of *England* was transferred to *K. Edw. 3.* though hee were yet in his minority, the State there beganne to looke into the desperate estate of thinges heere. And finding such a generall defection,

*Archiu. Turr. 2. claus. pers. l. m. 16.* Letters were sent from the King, to the great men and Prelates, requiring them particularly to swear fealty to the Crowne of England.

Shortly

Shortly after, Sir *Anthony Lucie*, a Sir Antho-  
 person of great authority in England<sup>ny Lucie.</sup>  
 in those daies, was sent ouer to work  
 a reformation in this Kingdome, by a  
 feuerre course; and to that ende, the  
 King wrote expresly to the Earle of *Vl-*  
*ster*, and others of the Nobilitie to as-  
 sist him, as is before remembered;  
 presently vpon his arriual, he arrested  
*Maurice Fitz-Thomas* Earle of *Desmond*;  
 and Sir *William Bremingham*, and com-  
 mitted them prisoners to the Castle of  
*Dublin*: where Sir *William Bremingham* *Annales*  
 was executed for treason, though the *Hiberniæ*  
 Earle of *Desmond* were left to Main-  
 prize, vpon condition, hee should ap-  
 peare before the King by a certain day,  
 and in the meane time to continue  
 loyall.

**A**fter this, the King being aduer-  
 tised, that the ouer-large Graunts  
 of Lands and Liberties, made to the  
 Lords of English Bloude in Ireland,  
 made them so insolent, as they scorned



Resump-  
tion of  
Liberties.

*Annales  
Hiberniæ  
in Camden.*

to obey the Law, and the Magistrate, did absolutely resume all such Grants, as is before declared. But the Earle of *Desmond* aboute al men, found himselfe griued with this resumption, or Repeale of Liberties; and declared his dislike & discontentment: insomuch, as he did not only refuse to come to a Parliament at *Dublin*, summoned by Sir *William Morris*, Deputie to the L. *John Darcy* the kings Lieutenant: But (as we haue said before) he raised such dissention betweene the English of blood, and the English of birth, as the like was neuer seen, from the time of the first planting of our Nation in *Ireland*. And in this factious and seditious humour, hee drewe the Earle of *Kildare*, and the rest of the nobility, with the Cittizens and Burgeses of the principall Townes, to hold a seuerall Parliament by themselves, at *Kilkenny*; where they framed certaine Articles against the Deputy, & transmitted the same into England to the King.

Heere-

Heereupon, Sir *Raphe Vfford*, who Sir Raph  
 had lately before married the Countesse Vfford.  
 of *Vlster*; a man of courage and feue- *Annales*  
 rity, was made Lord Iustice: who forth- *Iohannis*  
 with calling a Parliament, sent a spe- *Clynne.*  
 ciall commandement to the Earle of *Manus.*  
*Desmond*, to appeare in that great  
 Councel; but the Earle wilfully refu-  
 sed to come. Whereupon, the Lord *Annales*  
 Iustice raised the Kings Standard, and *Hiberniæ*  
 marching with an Army into *Munster*, *in Camden.*  
 seized into the Kings handes, all the  
 possessions of the Earle, took and exe-  
 cuted his principall followers, Sir *Eu-*  
*face le Poer*, Sir *William Graunt*, &  
 Sir *Iohn Cotterell*; enforced the Earle  
 himselfe to fly and lurke, till 26. No-  
 blemen and Knights, became Main-  
 pernors for his appearance at a certaine  
 day prefixed: But he making default  
 the second time, the vttermoſt aduan-  
 tage was taken against his sureties. Be-  
 sides, at the same time, this Lord Iu-  
 stice caused the Earle of *Kildare* to bee  
 arrested and committed to the Castle  
 of

of *Dublin*, indited & imprisoned manie other disobedient subiects, called in, and cancelled such Charters as wer lately before resumed; and proceeded euery way so roundly and seuerely, as the Nobility which were wont to suffer no controulment, did much distast him; and the Commons who in this Land haue euer bin more deuoted to their immediate Lords heer whom they saw euery day, then vnto their Soueraigne Lord & King, whom they neuer sawe; spake ill of this Gouvernor, as of a rigorous & cruel man, though in troth hee were a singular good Iusticer; and, if he had not dyed in the second yeare of his gouernment, was the likeliest person of that Age, to haue reformed and reduced the degenerate English Colonies, to their natural obedience of the crown of *England*.

*Maurice  
Fitz-Tho-  
mas the  
first Earle  
of Des-  
mond, the*

**T**HUS much then wee may obserue by the way, that *Maurice Fitz-Thomas*, the first Earle of *Desmond*, was the first English Lord that imposed

fed *Coign* and *Liuary* vpon the Kings author of  
 subiectes ; and the first that raised his the great  
 estate to immoderate greatnesse, by oppressi-  
 ons and  
 that wicked Extortion and Oppression; diffentions  
 that he was the first that reiected the which de-  
 stroyed the  
 English Lawes and Gouvernement, and English  
 Colonies.  
 drew others by his example to do the  
 like; that he was the first Peere of  
*Ireland* that refused to come to the Par-  
 lament summoned by the Kings Au-  
 thority; that he was the first that made  
 a diuision and distinction betweene the  
 English of bloud, and the English of  
 birth.

**A**ND as this Earle was the onelie The for-  
 Authour, and first Actour, of tune of  
 these mischiefes, which gaue the great- the house  
 est impediment to the full Conquest of of *Des-*  
*mond.*  
*Ireland*; So it is to be noted, that al-  
 beit others of his ranke afterwardes of-  
 fended in the same kinde; whereby  
 their Houses were many times in dan-  
 ger of ruin, yet was there not euer any  
 Noble house of English race in Ireland,  
 vtterly destroyed and finally rooted out  
 S by

by the hand of Iustice, but the house of *Desmond* onely; nor any Peere of this Realme euer put to death (though diuers haue bin attainted) but *Tho. Fitz-Iames* the Earle of *Desmond* onely, and onely for those wicked Customes brought in by the first Earle, and practised by his posterity, though by seuerall Lawes they were made High-Treason. And therfore, though in the 7. of *Edward* the 4. during the Gouernement of the Lord *Tiptoft*, Earle of *Worcester*, both the Earles of *Desmond* and *Kildare* were attainted by Parliament at *Drogheda*, for alliance and fostering with the Irish; and for taking *Coign* and *Liuary* of the Kings subiects, yet was *Desmond* only put to death; for the Earle of *Kildare* receiued his pardon. Add albeit the sonne of this Earl of *Desmond*, who lost his head at *Drogheda* were restored to the Earldom; yet could not the kings grace regenerate obedience in that degenerate house, but it grew rather more wilde and barbarous, then before. For

The  
Counsel-  
Booke of  
Ireland.  
32. H. 8.

from



from thencefoorth they reclaimed a strange priuiledge: *That the Earles of Desmond should neuer come to any Parliament or Graund-Counsell, or within any walled towne, but at their will and pleasure.* Which pretended Priuiledge, *James Earle of Desmond*, the Father of *Girald* the last Earle, renounced and surrendered by his Deed, in the Chancery of Ireland, in the 32. of *Henry* the eight. At what time, among the meer Irishry, hee submitted himselfe to Sir *Anthony Saint-Leger*, then Lord Deputy; tooke an Oath of Allegiance; Couenanted that he would suffer the law of England to bee executed in his Countrey; and assist the Kinges Iudges in their Circuits: and if any Subsidies should be granted by Parliament, he would permit the same to be leuied vpon his Tenants and followers. Which Couenants are as straunge as the priuiledge itselfe, spoken of before. But that which I conceiue most worthy of Obseruation, vpon the fortunes of the house of *Desmond*, is this; that as *Mau-*

*rice Fitz-Thomas*, the first Earle, did first raise the greatnes of that house, by Irish exactions and oppressions; so *Girald* the last Earle, did at last ruine and reduce it to nothing, by vsing the like extortions. For certain it is, that the first occasion of his rebellion, grew from hence; that when he attempted to charge the *Decies* in the County of *Waterford*, with *Coigne* and *Liuerie*, Blacke Rents and Colheries, after the Irish maner, hee was resisted by the Earle of *Ormond*, and vppon an encounter, ouerthrowne and taken prisoner; which made his heart so vnquiet, as it easily conceiued treason against the Crowne, and brought forth actuall and open Rebellion, wherein he perished himselfe, and made a final extinguishment of his house and honour. Oppression and extortion did maintain the greatnesse: and oppression and extortion, did extinguish the greatnesse of that house. Which may well be exprest, by the old Embleme of a Torch turned downewards, with this word; *Quod me alit, extinguit.*

Now

**N**OW let us returne to the course  
 of reformation, helde and pur-  
 sued heere, after the death of Sir *Raphe*  
*Vfford*, which hapned in the twentieth  
 yeare of K. *Edward* 3. After which  
 time, albeit all the power and Counsell  
 of England was conuerted towards the  
 Conquest of *Fraunce*, yet was not the  
 worke of reformation altogether dis-  
 continued. For, in the 25 yeare of K.  
*Edward* the third, Sir *Thomas Rookeby*,  
 another worthy Gouvernor (whome I  
 haue once before named) held a Par-  
 lament at *Kilkenny*, wherein many ex-  
 cellent Lawes were propounded and  
 enacted for the reducing of the Eng-  
 lish Colonies to their Obedience;  
 which Lawes we find enrolled in the  
 Remembrauncers Office heere; and  
 differ not much in substaunce, from  
 those other statutes of *Kilkenny*, which  
 not long after (during the Gouverne-  
 ment of *Lionell* Duke of *Clarence*) were  
 not only enacted, but put in executi-  
 on. This Noble Prince hauing marri-  
 ed

The  
 course of  
 Reforma-  
 tion pur-  
 sued by  
*Lionel*  
 Duke of  
*Clarence*.

ed the Daughter and Heire of *Vlster*; and beeing likewise a Coparcener of the County of *Kilkenny*, in the 36. year of King *Edward* the thirde, came ouer the Kings Lieutenant, attended with a good retinue of martiall men, as is before remembred, and a Graue and Honorable Counsell, aswel for peace, as for warre. But because this Armie was not of a Competent strength to breake and subdue all the Irishry, although he quieted the borders of the English Pale, and helde all Ireland in awe with his name and presence. The principall seruice that hee intended, was to reforme the degenerate English Colonies, and to reduce them to obedience of the English Lawe, and Magistrate. To that end, in the fortieth yeare of King *Edward* the third, he held that famous Parliament at *Kilkenny*, wherein many notable lawes wer enacted, which doo shew and lay open (*For the law doth best discouer enormities*) how much the English Colonies were corrupted at that time, and doe infallibly

infallibly prooue that which is laide  
 downe before ; That they were wholly  
 degenerate, and faln away from their  
 obedience. For first, it appeareth by  
 the Preamble of these Lawes, that the  
 English of this Realme, before the  
 comming ouer of *Lionel Duke of Cla-*  
*rence*, were at that time becom meere  
 Irish in their Language, Names, Ap-  
 parrell, and all their maner of liuing,  
 and had reiected the English Lawes,  
 and submitted themselus to the Irish,  
 with whom they had many Mariages  
 and Alliances, which tended to the  
 vtter ruine and destruction of the com-  
 monwealth. Therefore alliaunce by  
 Marriage, *Nurture of Infants*, and *Gos-*  
*siped with the Irish*, are by this Statute  
 made High-treason. Againe, if anie  
 man of English race, should vse an  
 Irish Name, Irish Language, or Irish  
 Apparrell, or any other guise or fashi-  
 on of the Irish ; if he had Lands or Te-  
 nements, the same should be seized,  
 til he had giuen security to the Chan-  
 cery, to conform himself in al points  
 to

Archdu.

in Castro

Dublin.

Statutes of

Kilkenny.

C. 2.

C. 3.



to the English maner of living. And if he had no lands, his bodie was to be taken and imprisoned, til he found sureties as aforesaide.

C. 4. Againe, it was establisht and commanded, that the English in all their Controuerfies, should bee ruled and governed by the common Lawe of England: and if any did submit himselfe to the *Brehon* Law, or *March* law, he should be adjudged a Traitor.

C. 10. Againe, because the English at that time, made warre and peace with the bordering enemy at their pleasure; they were expresly prohibited to leaue warre vpon the Irish, without speciall warrant and direction from the State.

C. 12. Againe, it was made pænall to the English, to permit the Irish to Creaght or graze vpon their Landes:

C. 13. to present them to Ecclesiasticall Benefices;

nefices; to receiue them into any  
 Monasteries, or Religious Houses, or C. 15.  
 to entertaine any of their Minstrels,  
 Rimers, or Newes-tellers: to impose C. 17.  
 or lesse any Horse or Foot vppon the  
 English Subjects against their willes,  
 was made felony. And because the  
 great Liberties or Franchises spoken C. 22.  
 of before, were become Sanctuaries  
 for all Malefactours, expresse power  
 was giuen to the Kinges Sheriffes,  
 to enter into all franchises, and  
 there to apprehend all Fellons and  
 Traitors. And lastly, because the C. 24.  
 great Lordes, when they leuied forces  
 for the publick seruice, did lay  
 vnequall burdens vpon the Gentlemen  
 and Free-holders, it was ordained,  
 that foure Wardens of the peace in  
 euery Countie, should set downe  
 and appoint what men and Armour  
 euery man should beare, according  
 to his Free-hold, or other ability of  
 estate.

These

The Statutes of Kilkenny, did much reforme the degenerate English.

**T**Hese, and other Lawes, tending to a generall reformation, were enacted in that Parliament. And the Execution of these Lawes, together with the *Presence of the Kings Son*, made a notable alteration in the State and Manners of this people, within the space of seauen yeares, which was the tearme of this Princes Lieutenancy.

For, all the *Discourses* that I haue seene of the Decay of Ireland, doe agree in this; that the presence of the Lord *Lionel*, and these Statutes of *Kilkenny*, did restore the English government, in the degenerate Colonies, for diuers yeares. And the Statute of the *Stat. 10. H. 7. c. 8.* tenth of *Henry* the seuenth, which reuiueth and confirmeth the Statutes of *Kilkenny*, doth confirme as much. For it declareth, *that as long as these Lawes were put in vre and execution, this Lande continued in prosperity and honor: and since they were not executed,*  
the

*the subiectes rebelled and digressed from  
 their allegiance, and the Land fell to  
 ruine and desolation.* And withall, wee  
 finde the effect of these Lawes in the  
 Pipe-Rolles, and Plea-Rolles of this  
 Kingdome: For, from the 36. of  
*Edward 3.* when this Prince entred  
 into his Gouvernement, till the begin-  
 ning of *Richard* the second his  
 Raigne, we finde the Reuennue of the  
 Crowne both certaine and casuall in  
*Ulster, Munster, and Conaght,* ac-  
 counted for; and that the Kings Writ  
 did run, and the Common-Law was  
 executed in euery of these Prouinces. I  
 ioyne with these Lawes, the personall  
 presence of the Kings Son, as a  
 concurrent cause of this Reforma-  
 tion: *Because the people of this Land*  
*both English & Irish, out of a natu-*  
*rall pride, did euer loue & desire to*  
*be gouerned by great persons.* And  
 therefore, I may heere iustly take oc-  
 casion to note, that the absence first  
 of the Kings of England; and nexte,  
 the absence of those great Lords, who  
 were

The pre-  
 sence of  
 the Kinges  
 son, did  
 much ad-  
 uance the  
 reforma-  
 tion.  
 Absence  
 of our  
 Kings and  
 great  
 English  
 Lords, a  
 chief  
 cause why  
 the King-  
 dom was  
 not re-  
 duced.

were inheritors of those mighty Seigniories of *Leinster*, *Ulyster*, *Conaght*, and *Meib*, haue bin maine causes why this kingdome was not reduced in so many ages.

Absence  
of our  
Kings.

**T**Ouching the absence of our Kinges, three of them onely since the Norman Conquest, haue made royall iournies into this Land; namely, *K. Henrie* the second, King *Iohn*, and king *Richard* the second. And yet they no sooner arriued heere, but that all the Irishry, (as if they had bin but one man) submitted themselves; tooke Oaths of fidelity, and gaue pledges & hostages to continue loyall. And, if any of those Kings hadde continued here in person a competent time, till they had settled both English & Irish in their seuerall possessions, and had set the Law in a due course throughout the Kingdom; these times wherein we liue, had not gained the honor of the finall Conquest and reducing of *Ireland*. For



the King (saith *Salomon*) *dissipat omne malum intuitu suo*. But when *Moses* was absent in the Mount, the people committed Idolatry: & when there was no king in *Israel*, euery man did what seemed best in his own eyes.

And therefore, when *Alexander* had conquered the East part of the world, and demaunded of one what was the fittest place for the seat of his Empire, he brought and a laid a dry hide before him, and desired him to set his foote on the one side thereof; which being done, all the other parts of the Hide did rise vp: but when he did set his foot in the middle of the Hide, all the other parts lay flat and euen: which was a liuely demonstration, that if a Prince keep his residence in the Border of his Dominions, the remoate parts will easily rise and rebell against him: but if he make the Center thereof, his seat, he shall easily keepe them in peace and obedience.

T

Touching

The ab-  
sence of  
the great  
*English*  
Lords.

*Baron  
Finglas,  
Manu-  
script.*

**T**OUCHING the absence of the great  
Lords : All Writers do impute  
the decay and Losse of *Leinster*, to the  
absence of the English Lords, who  
married the five Daughters of *William  
Marshall* Earle of *Pembroke* (to whom  
that great Seigniory descended) when  
his five sonnes, who inherited the same  
successively ; and during their times,  
held the same in peace and obedience  
to the Law of *England*, were all dead  
without Issue : which happened about  
the fortieth yeare of King *Henrie* the  
third : for the eldest being married  
to *Hugh Bigot* Earle of *Norfolke*, who  
in right of his wife, had the Marshal-  
ship of *England* ; The second, to  
*Warren de Mountchenssey*, whose sole  
daughter and heire, was matcht to  
*William de Valentia* halfe Brother to  
K. *Henrie* 3. who by that match, was  
made Earle of *Pembroke* ; The third,  
to *Gilbert de Clare*, earl of *Glocester* ;  
The fourth, to *William Ferrers*, Earle  
of *Darby* ; The fift, to *William de  
Bruce*, Lord of *Brecknocke* : These  
great

great Lordes, hauing greater inheritances in their own right in *England*, then they hadde in *Ireland* in right of their Wiues (and yet each of the Coparceners, had an entire Countie allotted for her purparty, as is before declared) could not bee drawne to make their personal residence in this Kingdom; but managed their estates heere, by their *Seneschals and Seruants*. And to defend their territories against the bordering Irish, they entertained some of the Natiues, who pretended a perpetuall Title to those great lordships. For the Irish after a thousande Conquests & Attainders by our law, would in those daies pretend title stil, because by the Irish Lawe no man could forfeit his Land. These natiues taking the opportunity in weake and desperate times, vsurped those Seignories; and so *Donald Mac Art Cauanagh*, being *Baron Finglas*, entertained by the Earl of *Norfolke*, *Manu-* made himselfe Lorde of the County *script.* of *Catherlogh*; And *Lisagh O Moore*, being trusted by the *L. Mortimer*, who

married the Daughter and Heire of the Lord *Bruce*, made himselfe Lord of the Lands in *Leix*, in the latter end of king *Edward* the seconds raigne, as is before declared.

Againe, the decay and losse of *Ulster* & *Conaght*, is attributed to this; that the Lorde *William Bourke*, the last Earle of that name, died without issue Male; whose Ancestors, namely, the Red-Earle, and Sir *Hughe de Lacy*, before him, being personally resident, helde vp their greatnesse there; & kept the English in peace, and the Irish in aw: But when those Prouinces discended vppon an *Heire Female*, and an *Infant*, the Irish ouer-ran *Ulster*, and the yonger branches of the *Bourkes*, vsurped *Conaght*. And therefore, the Ordinance made in *England*, the 3. of *Richard* 2. against such as were absent from their Lands in *Ireland*; and gaue two third parts of the profites thereof vnto the King, vntill they returned, or placed a sufficient number

*Arciu.*  
*Turr. Rot.*  
*perlia. n.*  
42.

number of men to defend the same; was grounded vpon good reason of state: which Ordinaunce was put in execution for many yeares after, as appeareth by sundry seizures made thereupon, in the time of King *Richard 2.* *Henrie 4.* *Henrie 5.* and *Henry 6.* whereof there remaine Records in the Remembrancers Office heere. Among the rest, the Duke of *Norffolke* himselfe <sup>Archia. in offic.</sup> was not spared, but was impleaded <sup>Remem. Dublin.</sup> vpon this Ordinance, for two parts of the profits of *Dorburies* Iland, and other Landes in the Countie of *Wexford*, in the time of K. *Henry 6.* And afterwards, vpon the same reason of State, all the Landes of the house of *Norfolke*, of the Earle of *Skrewsburie*, the Lord *Barkly*, and others (who hauing Lands in Ireland, kept their continuall residence in England) were entirely resumed by the Act of Absentees, made in the 28. yeare of king <sup>Act of Absentees</sup> *Henry* the eight. <sup>28. H. 8.</sup>



But now againe, let vs look back and see, howe long the effect of that reformation did continue, which was begun by *Lionel Duke of Clarence*, in the fortith yeare of K. *Edw. 3.* and what courses haue bin held, to reduce and reforme this people by other Lieutenants and Gouvernors since that time.

The English Colonies beeing in some good measure reformed by the Statutes of *Kilkenny*, did not vtterly fal away into Barbarisme againe, till the warres of the two Houses had almost destroyed both these Kingdoms; for in that miserable time, the Irish found opportunity, without opposition, to banish the English Law and gouernment, out of all the Prouinces, and to confine it onely to the English Pale: Howbeit, in the mean time, between the Gouvernment of the Duke of *Clarence*, and the beginning of those ciuill Warres of *Yorke* and *Lancaster*, we finde that the State of *England* did  
 fundry

fundry times resolute to proceede in this worke of reformation.

For first, King *Richard 2.* sent ouer Sir *Nicholas Dagworth*, to suruey the possessions of the Crowne; & to call to accompt the Officers of the reuenue; Next (to draw his English Subjects to manure & defend their lands in *Ireland*) he made that Ordinance against Absentees, spoken of before. Again, he shewed an excellent example of Iustice, vpon Sir *Phillip Courteney*, being his lieutenant of that kingdom, when he caused him to bee arrested by special Commissioners, vpon complaint made of sundry greivous oppressions and wrongs, which during his Gouvernement, he had done vnto that people.

The re-formation intended by K. *Richard 2.* *Archib.* *Turr. 3.* *Rich. 2.* *cl. m. 3.* *3 Rich. 2.* *Rot. Parliam. 11.* *42.* *9 Rich. 2.* *claus. m. 1.*

After this, the Parliament of England did resolute, that *Thomas Duke of Gloucester* the Kings Vnkle, should bee employed in the reformation and reducing of that Kingdom: the Fame wherof

*Walsing.* *in R. 2.* *349. a.*

wherof was no sooner bruted in *Ireland*, but all the Irishry were ready to submit them-selues before his coming: so much the very Name of a great personage, specially of a Prince of the blood, did euer preuayle with this people. But the King and his Mitions, who were euer iealous of this Duke of *Glocester*, wold not suffer him to haue the honor of that seruice. But the King himselfe thought it a worke worthy of his own presence & pains: and thereupon, Himselfe in person, made those two royall iournies mentioned before: At what time, he receiued the submissions of all the Irish Lordes and Captaines, who bounde themselues both by Indenture & oath to become and continue his Loyall Subjects. And withall, laid a particular project, for a ciuill plantation of the Mountains and Maritime Counties, betweene *Dublin* and *Wexford*; by remouing all the Irish Septes from thence, as appeareth by the couenants betweene the Earle Marshall of England,

land, and those Irish Septs: which are before remembred, and are yet preserved, and remaine of Record in the Kings Remembrancers Office at *Westminster*. Lastly, this King being present in Ireland, tooke speciall care to supply and furnish the Courtes of Iustice with able and sufficient Iudges; And to that end, hee made that Graue and Learned Iudge, Sir *William Hankeford*, Chiefe Iustice of the kings bench heere (who afterwards for his seruice in this Realme, was made Chiefe Iustice of the Kings Bench in England, by K. *Henry 4.*) and did withall, associate unto him, *William Sturmy*, a well Learned man in the Law; who likewise came out of England with the K. that the legal proceedings (which wer out of order too, as all other things in that Realme were) might be amended, and made formall, according to the course and Presidents of *England*. But all the good purposes and projects of this King, were interrupted and

*Plac. co-  
rum Rege  
in Hiber-  
nia. Hil.  
lar. 18.  
Ric. 2.*

and vtterly defeated, by his sodaine departure out of Ireland, and unhappy deposition from the Crowne of England.

The re-  
formation  
intended

4.

**H**owbeit, King *Henrie* the fourth, intending likewise to prosecute this noble worke in the third yeare of his raigne, made the Lord *Thomas* of *Lancaster*, his second sonne, Lieutenant of *Ireland*: Who came ouer in person, and accepted againe the submissions of diuers Irish Lords & Captains, as is before remembred; and held also a Parliament, wherein hee gaue newe life to the Statutes of *Kilkenny*, and made other good Lawes tending to the Reformation of the Kingdome. But the troubles raysed against the King his Father in England, drew him home again so soon, as that seed of reformation, tooke no roote at all; neither had his seruice in that kinde, any good effect or successe.

After



After this, the State of England had no leifure to thinke of a generall reformation in this Realme, till the ciuill diffentions of England were appeased, and the peace of that kingdom fetled, by K. *Henry* 7.

For, albeit in the time of King *Henry* 6. *Richard* duke of *York*, a Prince of the blood; of great wisdom and valour, and heir to a third part of the Kingdome at least, being Earle of *Vlster*, and Lord of *Conaght* and *Meib*, was sent the Kinges Lieutenant into Ireland, to recouer and reforme that Realme where he was resident in person for the greatest part of 10. yeares, yet the troth is, he aymed at another marke, which was the Crown of *England*. And therefore, he thought it no pollicy to distast either the English or Irish, by a course of reformation, but sought by all meanes to please them, and by popular courses  
to

to steale away their hearts, to the end, hee might strengthen his party, when he should set on foot his Title (as is before declared.) Which policy of his tooke such effect, as that he drew ouer with him into England, the Flower of all the English Colonies, specially of *Vlster* and *Meib*, whereof many Noblemen and Gentlemen were slain with him at *Wakefield* (as is likewise before remembred.) And after his Death, when the warres between the Houses were in their heat, almost al the good English blood which was left in Ireland, was spent in those ciuill dissentions: so as the Irish became victorious ouer all, *without Bloud, or Sweat*. Only, that little Canton of Lande, called the English Pale, containing 4. small Shires, did maintain a bordering war with the Irish, and retaine the forme of English Government.

But

But out of that little Precinct, there were no Lordes, Knights, or Burgeſſes, ſummoned to the Parliament; neither did the Kings Writt run in anie other part of the kingdom: and yet vpon the Marches & Borders, which at that time were growne ſo large, as they tooke vp halfe *Dublin*, half *Meſh*, and a third part of *Kildare* and *Lowth*; there was no law in uſe, but the *March-Lawe*, which in the Statutes of *Kilkenny*, is ſaid to be no Law, but a leud Cuſtome.

So, as vpon the end of theſe ciuill warres in *England*, the Engliſh Law and Gouvernement was well baniſht out of Ireland, ſo as no foot-ſteppe or print was left of any former Reformation.

U THEN

The  
course of  
Reforma-  
tion held  
by Sir  
Edward  
Poynings,  
in the  
time of k.  
H. 7.

**T**HEN did King *Henry 7.* send  
ouer Sir *Edward Poynings* to  
be his Deputy, a right worthy ser-  
uitor both in war and peace. The  
principall end of his employment,  
was to expel *Perkin Warbecke* out of  
this kingdome ; but that seruice bee-  
ing perfourned, that worthy Deputy  
finding nothing but a common misery,  
tooke the best course he possibly  
could, to establisth a Common-wealth  
in Ireland : and to that end, he held  
a Parliament no lesse famous, then  
that of *Kilkenny* ; and more auail-  
able for the reformation of the whole  
Kingdome. For whereas all wise  
men did euer concur in opinion, that  
the readiest way to reform Ireland,  
is to settle a forme of Ciuill Go-  
uernment there, conformable to that  
of *England* : To bring this to passe,  
Sir *Edward Poynings* did passe an Acte,  
whereby all the Statutes made in *Eng-  
land*

land before that time, were enacted, established, and made of force in *Ireland*. Neither did he only respect the time past, but provided also for the time to come. For, he caused another Law to be made, that no Act should be propounded in any Parliament of Ireland, but such as should bee first transmitted into England, and approued by the King and Counsell there, as good and expedient <sup>Poyning's</sup> for that Land, and so returned backe <sup>Act.</sup> againe, vnder the Great Seale of England. This Act, though it seemed *Prima facie* to restrain the liberty of the subjects of Ireland; yet was it made at the Prayer of the Commons, vpon iust and important cause.

For the Gouvernors of that realm, specially such as were of that Country Birth, had layd many oppressions vpon



the Commons : and amongst the rest, they had imposed Lawes vpon them, not tending to the general good, but to serue priuate turnes, and to strengthen their particular factions. This moued them to referre all Lawes, that were to be passed in Ireland, to be considered, corrected, and allowed, first by the State of *England*, which had alwaies bin tender and carefull of the good of this people, and had long since made them a Ciuill, Rich, and Happy Nation, if their own Lords and Gouvernours there, had not sent badde intelligence into England. Besides this, he took special order, that the summons of Parliament should go into all the shires of *Ireland*, and not to the foure shires only ; and for that cause specially, hee caused all the Acts of a Parliament, lately before holden by the *Viscount of Gormanston* to be repealed

repealed and made voide. Moreover, that the Parliamentes of *Ireland*, might want no descent or honourable forme that was vsed in *England*, he caused a particular Act to passe, that the Lords of *Ireland* should appeare in the like Parliament Robes, as the English Lords are wont to weare in the *Parliaments of England*. Hauing thus established all the statutes of *England* in *Ireland*, and set in order the great Counsell of that Realme, he did not omit to passe other Lawes, aswell for the encrease of the Kings Reuennue, as the preservation of the publick peace.

U 3

To

To adundance the profites of the Crown; First he obtained a subsidy of 26. s. 8. d. out of every fixe score Acres manured, payable yearly for 5. years. Next, he resumed all the Crown land, which had been aliened (for the most part) by *Richard Duke of Yorke*: & lastly, he procured a subsidy of *Pondage*, out of all Merchandizes imported & exported, to be granted to the Crown in perpetuity.

To preserve the publicke peace, he revived the statutes of *Kilkenny*. He made wilful murther High-Treason; he caused the Marchers to book their men for whom they should answer; and restrained the making Warre or Peace, without speciall Commission from the State.

These

These Lawes, and others as important as these, for the making of a commonwealth in Ireland, wer made in the Gouvernment of *Sir Edward Poynings*. But these Lawes did not spred their Vertue beyonde the English Pale, though they were made generally for the whole *Kingdome*. For the *Prouinces* without the *Pale*, which during the warre of *Forke* and *Lancaster*, had wholly cast off the English Gouvernment, were not apt to receyue this seed of reformation, because they were not first broken and maistered againe with the sword. Besides, the *Irish Countreyes*, which contained two third parts of the *Kingdome*, were not reduced to Shire-Ground, so as in the Lawes of *England* could not possibly be put in execution.

tion. Therefore, these good Laws and prouisions made by *Sir Edward Poynings*, were like good Lessons set for a Lute, that is broken and out of tune ; of which Lessons, little vse can be made, till the Lute bee made fit to be plaid vpon.

And that the execution of al these *Lawes*, had no greater Latitude then the *Pale*, is manifest by the Statute of 13. of *Henry 8. c. 3.* which reciteth, that at that time, the *Kings Lawes* were obeyed and executed in the four shires onely ; and yet then was the *Earle of Surrey Lieutenant of Ireland*, a Gouvernor much feared of the *Kings Enemies*, and exceedingly honored and beloued of the *Kings subiects*. And the instructions giuen by the state of Ireland, to *John Allen*,  
 Maister



Maister of the *Rols*, employed into *The*  
*England*, neere about the same time, Counsell  
 doe declare as much; wherein among Booke of  
 other things, hee is required to ad- Ireland.  
 16. H. 8.  
 uertise the King, that his Land of  
 Ireland was so much decayed, as that  
 the Kings Lawes were not obeyed  
 twenty miles in compas. Whereupon,  
 grew that By-word vsed by the Irish,  
 (viz :) *That they dwelt Bywest the*  
*Law, which dwelt beyond the Riuer of*  
*the Barrow,* which is within 30.  
 Miles of *Dublin*. The same is testi-  
 fied by Baron *Finglas*, in his *Discourse*  
*of the decay of Ireland*, which hee wrote  
 about the 20. yeare of King *Henry 8.*  
 And thus we see the effect of the  
 Reformation which was intended by  
 Sir *Edward Poynings*.

THE next Attempt of Reformation was made in the 28. yeare of King *Henry 8.* by the Lorde  
*Leonard* Leonard  
 The re-formation intended by the L.

Grey, 28. *Leonard Gray*, who was created Vis-  
 Hen. 8. count of *Garny* in this Kingdome,  
 and helde a *Parliament*, wherein many  
 excellent Lawes were made. But to  
 prepare the mindes of the people to  
 obey these Lawes, he began first with  
 a Martiall course : For being sent  
 ouer to suppress the Rebellion of the  
*Giraldines*, (which he performed in few  
 months) he afterwards made a victo-  
 rious Circuit round about the King-  
 dome ; beginning in *Offaly*, against O  
*Connor*, who had ayded the *Giral-*  
*dines* in their Rebellion ; and from  
 thence passing along through all the  
 Irish Countries in *Leinster*, and so into  
*Mounster*, wher hee tooke pledges of  
 the degenerate Earle of *Dejmond*, and  
 thence into *Conaght*, and thence into  
*Ulster* ; and then concluded this war-  
 like Progresse with the Battell of  
*Belahoo*, in the Borders of *Metb*, as  
 is before remembred.

*Annals*  
*Hiberniæ*  
*Manus.*

The

The principall Septs of the Irishry The  
 beeing all terrified, and most of them Counsel  
 broken in this iourney, manie of their Booke of  
 chiefe Lords vppon this Deputies re- Ireland.  
 28. H. 8.  
 turne came to *Dublin*, and made their  
 submissions to the crown of England;  
 Namely, the *O Neales*, & *O Relies*  
 of *Vlster*, *Mac Murrogh*, *O Birne*, and  
*O Carrol* of *Leinster*, and the *Bourks*  
 of *Conaght*.

This preparation being made, he  
 first propounded and passed in Par-  
 liament these Lawes, which made the  
 great alteration in the State *Ecclesia-*  
*stical*; Namely, the *Act* which de-  
 clared King *Henry* the eight to be  
 supream Head of the Church of  
 Ireland. The *Act* prohibiting Apeales  
 to the church of *Rome*: the *Act* for  
 first fruites, and twentieth part to be  
 paid to the King: the *Act* for Fa-  
 culties and Dispensations: And lastly,  
 the

the *Act* that did vtterly abolish the vsurped Authoritie of the Pope. Next, for the encrease of the Kings Reuennue: By one Act, he suppressed sundry Abbeyes and Religious Houses; and by another Acte, resumed the Lands of the Absentees, (as is before remembred.)

And for the Ciuill Government, a special Statute was made, to abolish the Black-Rents and tributes, exacted by the Irish, upon the English Colonies; and another Law enacted, that the English Apparrell, Language, & manner of liuing, should bee vsed by all such, as would acknowledge themselves the Kings Subiects. This Parliament being ended, the Lord *Leonard Gray*, was suddenly reuokt, and put to death in England, so as hee liued not to finish the woork of Reformation which he had begun: which notwithstanding,



standing was well pursued by his successors Sir *Anthony Saint-Leger*; Vnto whom, all the Lords and Chiefetanes of the Irishry, and of the degenerate English throughout the Kingdome, made their feuerall submiffions by Indenture (which was the fourth general submiffion of the Irish, made since the first attempt of the Conquest of Ireland) whereof the first was made to King *Henry 2.* the second to k. *Iohn*, the third to K. *Richard 2.* and his last to Sir *Anthony Saint-Leger*, in 33 of *Hen. 8.*

The course of Reformation pursued by Sir *Anthony Saint-Leger*.  
Foure generall Submiffions of the *Irish*.

**I**N these Indentures of submiffion, all the Irish Lords do acknowledge K. *Henry* the eight to be their Soueraign Lord and King, and desire to bee accepted of him as subiects. They confesse the Kings supremacy in all causes, & do vtterly renounce the Popes Jurisdiction, which I conceiue to bee worth the noting, because, *when the Irish had once resolved to obey the king, they made no scruple to renounce the Pope.* And this was not only done by the meere Irish, but the chiefe of the degenerate English

The Counsell Booke of Ireland.  
32.33. and 34 of *H. 8.*

The Irish and degenerate English, renounce the Pope.



English Families did perfourme the same: as *Desmond*, *Barry*, and *Roche*, in *Mounster*; and the *Bourkes*, which bore the Title of *Mac william*, in *Conaght*.

The  
Counsell  
Booke of  
Ireland.  
33. H. 8.

These submissions being thus taken, the Lorde Deputy and Counsell for the present Gouvernement of those Irish Countries, made certaine Ordinances of state, not agreeable altogether with the Rules of the Law of *England*; the reason whereof, is exprest in the preamble of those Ordinances; *Quia nondum sic sapiunt leges & Iura, ut secundum ea iam immediatè viuere & regi possint*. The chiefe points or Articles of which Orders registred in the Counsel-Booke are these: That King *Henrie* the eight, shold be accepted, reputed, and named King of *Ireland*, by all the Inhabitants of the Kingdome; that all Archbishops and Bishops should bee permitted to exercise their Iurisdiction in euery Diocesse throughout the Land: that tithes should be duely set out, and paide: that Children should

should not be admitted to Benefices : that for euery Manslaughter, and theft aboue 14d. committed in the Irish Contries, the offender shold pay a fine of 40.li. twenty pound to the King, and 20.li. to the Captaine of the Country ; and for euery thefte vnder 14.d. a fine of fiue marks should be paid, 46 s. viij.d to the Captaine, and 20.s. to the *Tanister* : That Horsemen and *Kearn* shold not be imposed vppon the Common people, to bee fed and maintained by them : That the Maister shold answer for his seruants, and the Father for his Children. That *Cuttings* should not be made by the Lord vppon his Tenants, to maintaine war with his neighbors, but only to beare his necessary expences, &c.

These ordinances of state being made and published, there were nominated and appointed in euery prouince, certaine Orderers or Arbitraters, who instead of these Irish *Brehons*, should heare and determine all their Controversies. In *Conaght*, the Arch-Bishop  
X 2 of

of *Tuam*, the Bishop of *Clonfert*, Capitaine *wakeley*, and Captain *Ouington*. In *Munster*, the Bishop of *Waterford*, the Bishop of *Corke* and *Rosse*, the Maior of *Cork*, and Maior of *Youghall*. In *Ulster*, the Archbishop of *Ardmagh*, & the Lord of *Lowth*. And if any difference did arise, which they could not end. either for the difficultie of the cause, or for the obstinacy of the parties, they were to certifie the Lord Deputy and Counsell, who would decide the matter by their authority.

Heereuppon, the Irish Capitaines of lesser Territories, which had euer bin oppressed by the greater & mightier; some, with Risings out; others, with *Bonaght*, and others, with *Cuttings*, and spendings at pleasure, did appeale for Iustice to the Lorde Deputy; who vpon hearing their Complaints, did alwayes order, that they should all imediatly depend vpon the King; and that the weaker should haue no dependancy vpon the stronger.

Lastly,

Laſtly, he preuailed ſo much with the greateſt of them ; Namely, *O Neale*, *O Brien*, and *Mac william*, as that they willingly did paſſe into *England* and preſented themſelues to the king, who thereuppon was pleaſed to aduance them to the degree and honor of Earles, & to grant vnto them their ſeuerall Contries, by Letters patents. Beſides, that they might learne Obedience and Ciuility of maners, by often repairing vnto the State, the K. vpon the motion of the ſame Deputy, gaue each of them a houſe and Lands neere *Dublin*, for the entertainement of their ſeuerall traines.

This courſe, did this Gouvernour take to reforme the Irifhry ; but withall, he did not omit to aduance both the honor and profit of the King. For in the Parliament which he helde the 33. of *Henry 8.* hee cauſed an Acte to paſſe, which gaue vnto K. *Henry 8.* his heyres and ſucceſſors, the name, ſtile, and Title of *King of Ireland* ; whereas before that

time, the Kings of *England* were stiled but Lords of *Ireland*: albeit indeed, they were absolute *Monarks* thereof, and had in right all Royall & Imperial Iurisdiction & power there, as they had in the Realm of England. And yet because in the vulgar conceit the name of *King*, is higher then the name of Lorde. Assuredly, the assuming of this title, hath not a litle rayseed the soueraignty of the K. of England in the minds of this people. Lastly, this Deputy brought a great augmentation to the *Kings* Reue nue, by dissoluing of all the Monasteries and Religious Houses in Ireland, which was done in the same Parliament: & afterward, by procuring *Min* and *Cauendish*, two skilfull Auditours, to bee sent ouer out of England. Who tooke an exact suruey of all the possessions of the Crowne, and brought manie things into charge, which had beene concealed and substracted for manie years before. And thus far did Sir *Anthony Saint-Leger* proceed, in the course of Reformation; which though it wer a good beginning, yet was it far from reducing Ireland to the



the perfect Obedience of the Crown of England. For all this while, the Prouinces of *Conaght* and *Ulster*, and a good parte of *Leinster*, were not reduced to Shire-Ground. And though *Mounster* were anciently diuided into Counties, the people were so degenerate, as no Iustice of Assise, durst execute his Commission amongst them. None of the Irish Lords or Tenants were settled in their possessions, by any Graunt or Confirmation from the Crowne, except the three great Earles before named; who notwithstanding, did gouern their Tenants and Followers, by the Irish or *Brehon* Law; so as no treason, murthur, rape, or theft, committed in those Countries, was inquired of, or punished by the Law of England; and consequently, no Escheat, Forfeiture, or Fine; no Reuenue (certain or casuall) did acrow to the Crowne out of those Prouinces.

The next worthy Gouvernor that endeauoured to aduaunce this Reformation, was *Thomas* Earle of Suffex; who ha-  
The course of Reformation prosecuted by Thomas Earle of Suffex, in the time of Q. Mary.

Leix &  
Offaly  
made two  
Counties,  
3. & 4.  
*Phil. &  
Mariæ.*

uing throughly broken and subdued the two most rebellious and powerful Irish Septs in *Leinster*; namely, the *Moores* & *O Connors*, possessing the territories *Leix & Offaly*, did by Act of Parliament, 3. & 4. *Phil. & Mariæ*, reduce those Countries into two severall Counties; naming the one, the *Kinges*; and the other, the *Queenes* County; which were the first two Counties that had beene made in this Kingdome, since the twelfth yeare of King *John*; at what time the Territories then possessed by the English Colonies, were reduced into 12. Shires, as is before expressed.

This Noble Earle, hauing thus extended the Iurisdiction of the English Lawe into two Counties more, was not satisfied with that addition, but took a resolution to diuide all the rest of the Irish Countries vnreduced, into severall Shires; and to that end, he caused an Act to passe in the same Parliament, authorising the Lord Chancellour, from time to time, to award Commissions to such persons

persons, as the Lord Deputy should nominate and appoint, to viewe, and perambulate those Irish territories ; and thereupon, to diuide and limit the same into such and so many seuerall Counties as they should thinke meete ; which bee- ing certified to the Lord Deputy, and approued by him, should bee returned and enrolled in the Chancery, and from thenceforth be of like force and effect, as if it were doone by Act of Parliament.

Thus did the Earle of *Sussex* lay open a passage for the Ciuill gouernment into the vnreformed partes of this Kingdome, but himselfe proceeded no further then is before declared.

**H**owbeit afterwarde, during the The  
raigne of Queen *Elizabeth*, Sir course of  
*Henry Sidney*, (who hath left behinde Reforma-  
him many Monuments of a good Go- tion fol-  
uernour in this Land) did not onely lowed by  
pursue that course which the Earle of Sir *Henry*  
*Sussex* began, in reducing the Irish Coun- Sidney, in  
tries into Shires, and placing therein the time of  
Sheriffes, and other Ministers of the Qu. *Eli-*  
Law ; zabeth.

Law; (for first hee made the *Annaly* a Territory in *Leynster*, possessed by the Sept of *Offerralles*, one entire Shire by it selfe, and called it the County of *Longford*; and after that he diuided the whole Prouince of *Conaght* into fixe Counties more; namely, *Clare* (which containeth all *Thomond*) *Gallaway*, *Sligo*, *Mayo*, *Roscomon*, and *Leytrim*;) But he also had caused diuers good Lawes to be made, and performed sundry other seruices, tending greatly to the reformation of this Kingdome. For first, to diminish the greatnesse of the Irish Lordes, and to take from them the dependancy of the Common people, in the Parliament which he held 11. *Eliz.* Hee did abolish their pretended and vsurped Captain-ships, and all exactions, and extortions incident thereunto. Next, to settle their Seigniories & possessions in a course of Inheritance, according to the course of the Common Law, he caused an Act to passe, whereby the Lord Deputy was authoris'd to accept their Surrenders, and to re-grant estates vnto them, to hold of the  
Crown

Crown by English tenures and seruices. Again, because the Inferior sort were loose and poore, and not amesnable to the Law; hee provided by another Act, that five of the best & eldest persons of euery Sept, should bring in all the idle persons of their sur-name, to be iustified by the Law. Moseouer, to giue a ciuill education to the Youth of this Land in the time to come, prouision was made by another Law, that there should bee one Free-schoole, at least, erected in euery Diocesse of the Kingdom. And lastly, to invre and acquaint the people of *Mounster* and *Conaght*, with the English Gouvernment againe (which had not been in vse among them, for the space of 200. yeares before :) hee instituted two Presidency Courtes in those two Prouinces, placing Sir *Edward Fitton* in *Conaght*, and Sir *Iohn Perrot* in *Mounster*.

To augment the Kings Reuennew in the same Parliament, vppon the attainder of *Shane O Neale*, hee resumed & vested in the Crowne, more then halfe  
the



the Prouince of *Ulster*: He raised the Customes vpon the principall commodities of the Kingdome: He reformed the abuses of the Exchequer, by many good orders and instructions sent out of *England*; and lastly, he established the composition of the *Pale*, in liewe of Purueyance and Sesse of Souldiers.

These were good proceedinges in the worke of Reformation, but there were many defects & omissions withall; for though he reduced all *Conaght* into Counties, he neuer sent any Iustices of Assize to visite that Prouince, but placed Commissioners there, who gouerned it onely in *A course of discretion*; part Martiall, and part Ciuill. Againe, in the Law that dooth abolish the Irish Captain-ships, he gaue waie for the reuiuing thereof againe, by excepting such, as should be granted by Letters Patentes from the Crowne; which exception did indeede take away the force of that Law. For no gouernour during Queene *Elizabeths* raign, did refuse to grant any of those Captain-ships, to any pretended *Irish* Lord, who would *Desire*,  
and

and with his thankfulness *Deserve* the same. And againe, though the greatest part of *Ulster* were vested by Act of Parliament, in the actuall and reall possession of the Crowne; yet was there neuer any seisure made thereof, nor any part thereof brought into charge, but the Irish were permitted to take all the profits, without rendering any dutie or acknowledgement for the same; and though the Name of *O Neale* were damned by that act, and the assuming thereof made High-treason; yet after that, was *Tirlagh Leynnagh* suffered to beare that Title, and to intrude vpon the possessions of the Crown, and yet was often entertained by the State with fauour. Neither were these lands resumed, by Act of 11. of *Elizabeth* neglected onely (for the Abbaies and religious Houses in *Tirane*, *Tirconnell*, and *Fermannagh*, though they were dissolued in the 33. of *Henry* 8. were neuer surueied nor reduced into charge, but were continually possesst by the religious persons) vntill his Maiestie that

Y

now

now is came to the Crowne : and that which is more strange, the Donations of Byshopprickes, being a flower of the Crowne (which the Kings of England did euer retaine in all their Dominions, when the Popes vsurped Authority was at the higheft.) There were three Bishoppes in *Ulster* ; namely, *Derry*, *Rapbo*, and *Clogher* which neither Queene *Elizabeth*, nor any of her Progenitors did euer bestow ; though they were the vndoubted Patrons thereof, Soe as king *James* was the first king of England that did euer supply those Sees with Byshops, which is an argument eyther of great negligence, or of great weaknesse in the State and Gouvernours of those times. And thus farre proceeded Sir *Henry Sidney*.

The Re-  
formation  
aduanced  
by Sir *Iohn*  
*Perrot*.

**A**fter him, Sir *Iohn Perrot*, who held the last Parliament in this Kingdome, did aduance the *Reformation* in three principall points. First, in establishing the great composition of *Conaght* ; in which seruice the wisdome and

and industry of *Sir Richard Bingham* did concur with him : next, in reducing the vnreformed partes of *Ulster* into leauen shires ; namely, *Ardmagh*, *Monaban*, *Tirone*, *Coleraine*, *Deuiegall*, *Fermannagh*, & *Cauan* ; though in his time the Law was neuer executed in these new Counties by any Sheriffes or Iustices of Assize, but the people left to be ruled still by their owne barbarous *Lords* and *Lawes* : And lastly, by vesting in the Crowne, the Lands of *Desmond* and his Adherents in *Mounster*, and planting the same with English, thogh that plantation were imperfect in many points.

**A**fter *Sir Iohn Perrot*, *Sir William Fitzwilliams* did good seruice in two other points. First, in raising a composition in *Mounster* ; and then settling the possessions both of the Lords and Tenants in *Monaban*, which was one of the last Acts of State tending to the reformation of the Ciuill Government which was performed in the raigne of *Queene ELIZABETH*.



Thus we see, by what degrees, and what policy and successe the Gouverners of this Land from tyme to tyme, since the begining of the raigne of King *Edward 3.* haue endeauored to reforme and reduce this people to the perfect obedience of the Crowne of *England*: And we find, that before the Ciuill Warres of *Yorke* and *Lancaster*, they did chiefly endeuour to bring backe the degenerate English Colonies, to their Duty and Allegiance, not respecting the meer Irish, whom they reputed as Aliens or Enemies of the Crowne. But after King *Henry 7.* had vnited the Roses, they labored to reduce both English and Irish together, which worke, to what passe and perfection it was brought in the latter end of Queen *Elizabeths* raign, hath bin before declared.

Whereof sometimes when I doe consider, I doe in mine owne Conceit compare this later Govenors who went about



about to reforme the Civill Affaires in Ireland, vnto some of the Kings of Isarell, of whom it is said; That they were good Kings, but they did not cutt downe the groues, and High places, butt suffered the people still to burne Incense, and commit Idolatry in them: so Sir *Anthony Saint-Leger*, the Earle of Suffex, sir *Henry Sidney*, & sir *Iohn Perrot*, were good Gouvernours, but they did not abolish the Irish Customs, nor execute the Lawe in the Irish Countries, but suffered the people to worship their barbarous Lordes, and to remaine vterly ignorant of their Duties to God and the King.

**A**ND now am I come to the happy raigne of my most Gracious Lord & Maister K. *James*; in whose time, as *there hath been a concurrence of many great Felicities*: so this among others may be numbred in the first ranke; that all the Defects in the Gouvernment of Ireland spoken of before, haue beene fully supplied in the first nine yeares of

How the Defects & errors in the gouernment of Ireland, haue bin supplied and amended since the beginning of his Maiesties Raigne.

his raigne. In which time, there hath bin more done in the worke & reformation of this *Kingdome*; then, in the 440. yeares which are past since the Conquest was first attempted.

Howbeit, I haue no purpose in this Discourse, to set forth at large all the proceedings of the State heere in reforming of this Kingdom, since his Maiesty came to the Crowne, for the parts and passages thereof are so many, as to expresse them fully, would require a seuerall Treatise. Besides, I for my part, since I haue not flattered the former times, but haue plainly laid open the negligence and errors of euery Age that is past, would not willingly seeme to flatter the present, by amplifying the diligence and true Iudgement of those Seruitours, that haue laboured in this Vineyard since the beginning of his Maiesties happy raigne.

I shall therefore summarily, without any amplication at all, shewe in what manner,

manner, and by what degrees, all the defects which I haue noted before in the *Gouernment* of this *Kingdome*, haue bin supplied since his Maiesties happy raigne beganne ; and so conclude these obseruations concerning the State of *Ireland*.

**F**irst then, touching the Martiall affaires, I shall neede to say little, in regard that the Warre which finished the Conquest of *Ireland*, was ended almost in the instant when the crown descended vpon his Majesty ; and so there remained no occasion to amend the former errors committed in the prosecution of the warre. Howbeit, sithence his Maiesty hath still maintained an Army heere, aswell *For a Seminary of Martiall Men* ; as to *Giue strength and countenance to the Ciuil Magistrate* ; I may iustly obserue, that this army hath not bin fed with *Coigne & Liuery*, or *Sesse* (with which Extortions the souldier hath bin nourished in the times of former Princes) but hath *bin as iustly and royally paid, as*  
euer

Errors in the carriage of the marti-all affaires amended.

*ener Prince in the world did pay his Men of war.* Besides, when there did arise on occasion of employment for this army against the Rebell *Odogbertie*; neither did his Maiesty delay the re-inforcing thereof, but instantly sent supplies out of *England* and *Scotland*; neither did the Martiall men dally or prosecute the Service faintly, but *Did forthwith quench that fire, whereby themselves would haue bin the warmer* the longer it had continued, aswell by the encrease of their entertainment, as by booties and spoile of the Countrey. And thus much I thought fit to note, touching the amendment of the Errors in the Martiall affaires.

How the Defects in the ciuill Govern-ment, haue bin supplied.

I.  
By esta-  
blishing  
the pub-  
licke  
peace.

**S**Econdly, for the supply of the Defects in the ciuill Government, these courses haue beene pursued since his Maiesties prosperous raigne began.

First, albeit vpon the end of the war, whereby *Tyrones* vniuersall Rebellion was suppressd, the minds of the people were broken.



broken and prepared to Obedience of the Law ; yet the *State* vpon good reason, did conceiue, that the publicke peace could not be setled, till the hearts of the people were also quieted, by securing them from the danger of the law, which the most part of them had incurred one way or other, in that great and general confusion.

Therefore, first by a generall Act of State, called the *Act of Obliuion*, published by *Proclamation* vnder the great Seale ; Al offences against the Crown, and all perticuler Trespasses between subiect and subiect, done at any time before his Maiesties raigne, were (to all such as would come in to the Iustices of Assise by a certaine day, and claime the benefit of this Act) pardoned, remitted, and vtterly extinguished, neuer to be reuiued or called in question. And by the same proclamation, all the Irishry (who for the most part, in former times, were left vnder the tyranny of their Lords and Chieftaines, and had no defence



fence or Iustice from the Crowne) were receiued into his Maiesties *immediate protection*. This bred such comfort and security in the hearts of all men, as thereupon ensued, the calmest, and most vniuersall peace, that euer was seen in *Ireland*.

<sup>z</sup>  
By establishing  
the publique Iustice  
in euery Part  
of the Kingdome.

The publicke peace beeing thus established, the State proceeded next to establish the publick Iustice in euery part of the Realm: And to that end, Sir *George Cary* (who was a prudent Governour, and a iust, and made a fair entry into the right way of reforming this Kingdome) did in the first yeare of his Maiesties raigne, make the first Sheriffes that euer were made in *Tyrone* and *Tirconnell*; and shortly after, sent Sir *Edmund Pelham* Chiefe Baron, and myselfe thither, the first Iustices of Assise that euer sat in those *Countries*: and in that Circuit, wee visited all the shires of that Prouince: Besides which visitation, though it were some-what distastfull to the Irish lords, was sweet and most welcome

come to the Common people ; who, albeit they were rude & barbarous, yet did they quickly apprehend the difference betweene the tyranny and oppression vnder which they liued before, & the iust gouernment and protection which wee promised unto them for the time to come.

The Lawe hauing made her Progresse into *Vlster* with so good successe, sir *Arthur Cbichestre* (who with singular Industry, Wisedome, and Courage, hath now for the space of 7. years and more, prosecuted the great worke of Reformation, and brought it well-neere to an absolute perfection) did in the first year of his gouernment, establishe two other *Newe Circuits* for Iustices of Assise ; the one in *Conaght*, and the other in *Mounster*. I call them *New Circuites*, for that, although it bee maniest by manie Recordes, that *Iustices Itinerant* haue in former times beene sent into all the shires of *Mounster*, & some part of *Conaght* ; yet certaine it is, that in 200. yeares

yeares before (I speake much within  
 compasse) no such Commission had bin  
 executed in either of these 2. Prouinces.  
 But now, the whole Realme being di-  
 uided into *Sbires*, and euerie bordering  
 Territory, whereof anie doubt was made  
 in what County the same should ly, be-  
 ing added or reduced to a County cer-  
 taine (among the rest, the *Mountaines*  
 and *Glynnes* on the South side of *Dublin*,  
 wer lately made a Shire by it self, and  
 called the County of *wicklow* ; wherby  
 the Inhabitants which were wont to be  
 Thorns in the side of the *Pale*, are be-  
 come ciuill and quiet Neighbors thereof,)   
 the streams of the publicke Iustice were  
 deriued into euery part of the King-  
 dome ; and the benefit and protection  
 of the law of England communicated to  
 all, aswell Irish as English, without di-  
 stinction or respect of persons ; By reason  
 whereof, the worke of deriuing the pub-  
 lick Iustice, grew so great, as that there  
 was *Magna messis, sed Operarij pauci*.  
 And therefore, the number of the Iudges  
 in euery Bench was increased, which do

now every halfe yeare (like good *Planets* in their severall *spheares* or *Circles*) carry the light and influence of Iustice, round about the *Kingdom*; whereas the Circuits in former times, went but round about the *Pole*, like the Circuit of the *Cynosura* about the *Pole*.

*Quæ cursu niteriore, breui conuertitur orbe.*

**V**Pon these Visitations of Iustice, whereby the iust and honourable Law of England was imparted and communicated to al the Irishry, there followed these excellent good effects.

The good effects which followed the execution of the law thoroughout the Kingdom.

First, the Common people were taught by the Iustices of Assise, that they were free subiects to the Kings of England, and not slaues & vassals to their pretended Lords: That the *Cuttings*, *Cosheries*, *Sessings*, and other Extortions of their Lords, were vnlawfull, and that they should not any more submit themselues thereunto, since they were now vnder the protection of so iust and mighty a Prince, as

Z

both

both wold and could protect them from all wrongs & oppressions : They gaue a willing care vnto these lessons ; and thereupon, the greatnesse & power of those Irish Lords ouer the people, suddenly fell and vanished, when their Oppressions and Extortions were taken away which did maintain their greatnesse : Infomuch, as diuers of them, who formerly made themselues Owners of al (by Force ;) were now by the law reduced to this point ; That wanting meanes to defray their ordinary charges, they resorted ordinarily to the Lord Deputy, and made petition, that by License and warrant of the State, they might take some aid and contribution from their people ; aswel to discharge their former debts, as for competent maintenance in time to come : But some of them being impatient of this diminution, fled out of the Realme to forraign Countries. Whereupon, we may well obserue ; That, *as Extortion did banish the old English Free-holder, who could not liue but vnder the Law ; So the Law did bannish*



*bannish the Irish Lord, who could not live but by Extortion.*

Againe, these Circuits of Iustice, did (vpon the end of the warre) more terrifie the loose and ydle personnes, then the execution of the martial law, though it were more quicke and sodaine : and in a short time after, did so cleare the Kingdome of Theeues, & other Capitall Offenders, as I dare affirme, that for the space of five yeares last past, there haue not bin found so many Malefactors worthy of death in al the six Circuits of this realm (which is now diuided into 32. shires at large) as in one Circuit of six Shires ; namely, the Westernne Circuit in England. For the troth is, that in time of peace, the Irish are more fearefull to offend the Law, then the English, or any other Nation whatsoeuer.

Againe, whereas the greatest aduantage that the Irish had of vs in all their Rebellions, was, *Our Ignorance of their Countries, their Persons, and their*  
 Z 2      *Actions:*

*Actions* : Since the Law and her Ministers haue had a passage among them, all their places of Fastnesse haue been discouered and laide open; all their paces cleard; & notice taken of euery person that is able to do either good or hurt. It is knowne, not only how they liue, and what they doe, but it is foreseen what they purpose or intend to do: Infomuch, as *Tirone* hath been heard to complaine, that he hadde so many eyes watching ouer him, as he could not drinke a full Carouse of Sacke, but the State was aduertised thereof, within few houres after. And therefore, those allowances which I finde in the ancient Pipe-Rolles, *Pro guidagio*, & *spiagio*, may be well spared at this day. For the Vnder-Sheriffes and Bayliffes errant, are better guides and Spies in the time of peace, then any were found in the time of war.

Moreouer, these ciuil assemblies at Assises and Sessions, haue reclaymed the Irish from their wildenesse, caused them to cut off their Glibs and long Haire; to conuert

conuert their Mantles into Cloaks ; to conform themselues to the manner of *England* in al their behauour and outward formes. And because they find a great inconuenience in mouing their suites by an Interpreter ; they do for the most part send their Children to Schools, especially to learne the English language : so as we may conceiue an hope, that the next generation, will in tongue & heart, and euery way else, become *English* ; so as there will bee no difference or distinction, but the Irish Sea betwixt vs. And thus we see a good conuerfion, & the *Irish Game* turned againe.

For heeretofore, the neglect of the Lawe, made the English degenerate, and become Irish ; and now, on the other side, the execution of the Law, doth make the Irish grow ciuil, and become English.

Lastly, these generall Sessions now, do teach the people more obedience, and keep them more in awe then did

the general hostings in former times. These Progresses of the Law, renew and confirme the Conquest of *Ireland* every halfe yeare, and supply the Defect of the kings absence in every part of the Realme ; In that every Iudge sitting in the seat of Iustice, dooth represent the person of the King himselfe.

These effectes, hath the establishment of the publicke *Peace* and *Iustice* produced, since his Maiesties happie Raigne began,

3. The settling of the States and possessions of the Irishry, as well as of the English. Howbeit, it was impossible to make a Common-weale in Ireland, without performing another service ; which was, the settling of all the Estates and possessions, aswell of Irish, as English, throughout the Kingdome.

For, although that in the 12. year of Queen ELIZABETH, a special Law was made, which did enable the Lord Deputy to take surrenders, & regrant Estates

Estates vnto the Irishry (vpon signification of her Maiesties pleasure in that behalfe;) yet were there but few of the Irish Lords that made offer to surrender during her raigne: and they which made surrenders of entire Countries, obtained Graunts of the whole againe to themselues only, & to no other, and all in demesne. In passing of which Graunts, there was no care taken of the inferiour Septes of people, inhabiting and possessing these Countries vnder them, but they held their feuerall portions in course of Tanistry and Gauelkind, and yeilded the same Irish Duties or exactions, as they did before: So that vpon euery such Surrender and Grant, there was but one Free-holder made in a whole Country, which was the Lord himselfe; al the rest were but tenants at Wil, or rather tenants in villenage, and were neither fit to be sworne in luries, nor to performe any publicke seruice: And, by reason of the vncertainety of their Estates, did vtterly neglect to build, or to plant, or to improue the  
Land.



Land. And therefore, although the Lorde were become the Kings Tenant, his Countrey was no whit reformed thereby, but remained in the former Barbarisme and Desolation

Againe, in the same Queens time, there were many Irish Lordes which did not surrender, yet obtained Letters Patents of the Captaine-ships of their Countries, & of all Lands & Duties belonging to those Captainships: For the Statute which doth condemn & abolish these Captain-ries, usurped by the Irish, doth giue power to the Lorde Deputy to graunt the same by Letters pattents. Howbeit, these Irish Captaines, and likewise the English, which were made Seneschalles of the Irish countries, did by colour of these Grants, and vnder pretence of Gouvernement, claime an Irish Seigniory, and exercise plaine tiranny ouer the Common people. And this was the fruite that did arise of the Letters Patents, granted of the Irish Contries in the  
time

time of *Q. Elizabeth*, where before they did extort & oppresse the people, only by colour of a leud and barbarous Custom; they did afterwards vse the same Extortions and Oppressions by warrant, vnder the great seal of the Realme.

But now, since his Maiesty came to the Crown, two speciall Commissions haue bin sent out of England, for the settling and quieting of all the possessions in Ireland; The one, for accepting Surrenders of the Irish and degenerate English, and for regranting Estates vnto them, according to the course of the Common Law; The other, for strengthening of defectiue Titles. In the Execution of which Commissions, there hath euer bin had a speciall care, to settle and secure the Vnder-Tennants; to the end, there might be a repose and establishment of euery Subiects Estate; Lord & Tenant, Free-holder and Farmer, thoroughout the Kingdome.

How the  
Commissions for  
Surrenders, and  
defectiue  
Titles,  
haue bin  
put in ex-  
ecution.

Vpon

Vppon Surrenders, this course hath bin helde from the beginning; when an Irish Lord doth offer to surrender his Country, his surrender is not immediately accepted, but a Commission is first awarded, to enquire of three special points. First, of the quantity and limits of the Land whereof he is reputed owner. Next, how much himselfe doth hold in demeasne, and how much is possesse by his Tennants and Followers. And thirdly, what Customes, Duties, and seruices, he doth yearly receiue out of those lands. This Inquisition being made & returned, the Lands which are found to bee the Lords proper possessions in demesne, are drawne into a *Particular*; and his Irish Duties; as *Cosherings*, *Sessings*, *Rents of Butter and Oatmeale*, and the like; are reasonably valued and reduced into certaine *Summes of Money*, to be paide yearely in lieu thereof. This being done, the surrender is accepted; and thereupon a Grant passed, not of the whole Country, as was vsed  
in

in former times, but of those Lands only, which are found in the Lords possession, & of those certaine summes of Money, as Rents issuing out of the rest. But the Lands which are found to be possesse by the Tenants, are left vnto them, respectiueley charged with these certain Rents only, in lieu of all vncertaine Irish Exactions.

In like manner, vpon all *Grants*, which haue past by vertue of the commission, for defectiue Titles, the Commissioners haue taken speciall Caution, for preseruatiō of the Estates of all particular Tenants.

And as for Graunts of *Captaine-shippes* or *Seneschal-shippes*, in the Irish Countreies; albeit, this Deputy had as much power and authority to graunt the same, as any other Gouvernors had before him; and might haue raised as much profit by bestowing the same, if he had respected his priuate, more then the publicke good; yet hath he bin so farre from passing

No Grant  
of Irish  
Captain-  
ships, or  
Seneschal-  
ships, since  
his Maies-  
tiesraigne.

passing any such in all his time, as he hath endeoured to resume all the Graunts of that kinde, that haue bin made by his Predecessors ; to the end, the inferiour subiects of the Realme, should make their only and imediate dependencie vppon the Crowne. And thus we see, how the greatest part of the possessions, (aswell of the Irish as of the English) in *Leinster*, *Conaght*, and *Mounster*, are setled and secured since his Maiestie came to the Crowne : whereby the harts of the people are also setled, not only to liue in peace, but raised & encouraged to builde, to plant, to giue better education to their children, & to improue the commodities of their Landes ; whereby the yearely value thereof, is already encreased, double of that it was within these few yeares, and is like daily to rise higher, till it amount to the price of our Lande in England.

Lastly



**L** Astly, the possessions of the Irishry in the Prouince of *Vlster*, though it were the most rude and vnreformed part of Ireland, and the *Seat* and *Nest* of the last great Rebellion, are now better disposed and established, then any the Lands in the other *Prouinces*, which haue bin past and setled vpon Surrenders. For, as the occasion of the disposing of those Lands, did not happen without the speciall prouidence and finger of God, which did cast out those wicked and vngratefull Traitors, who were the only enemies of the reformation of *Ireland*: so the distribution and plantation thereof, hath bin proiected & prosecuted, by the speciall direction and care of the K. himselfe; wherein his Maiesty hath corrected the Errors before spoken of, committed by K. *Henry 2.* & k. *Iohn*, in distributing and planting the first conquered Landes. For, although there were six whole Shires to be disposed, his Majesty gaue not an entire Country, or County, to any particular

The plantation of  
*Vlster*.

A a person;

person ; much lesse did he grant *Iura Regalia*, or any extraordinary Liberties. For the best *British Vndertaker*, had but a proportion of 3000. Acres for himself, with power to create a Mannor, and hold a Court Baron : Albeit, many of these *Vndertakers*, were of as great birth & quality, as the best Aduenturers in the first conquest. Again, his Maiesty did not vtterly exclude the Natiues out of this plantation, with a purpose to roote them out, as the Irish wer excluded out of the first *English Colonies* ; but made a mixt plantation of *Brittish & Irish*, that they might grow vp together in one Nation : Only, the Irish were in some places transplanted from the Woods & Mountaines, into the Plaines & open Countries, that being remoued (like wild fruit trees) they might grow the milder, and beare the better & sweeter fruit. And this truly, is the Maister-piece, and most excellent part of the worke of Reformation, and is worthy indeed of his Maiesties royall paines. For when this Plantation hath taken  
root,

root, and bin fixt and setled but a few  
 yeares, with the fauour and blessing of  
 God (for the son of God himselfe hath  
 said in the Gospell, *Omnis Plantatio,*  
*quam non plantauit pater meus, eradica-*  
*bitur*) it will secure the peace of *Ireland*,  
 assure it to the Crowne of England for  
 euer; and finally, make it a Ciuill, and  
 a Rich, a Mighty, and a Flourishing  
 Kingdome.

I omit to speake of the increase of the  
 Reuenue of the Crown, both certaine  
 and casuall, which is raised to a double  
 proportion (at least) aboue that it was, by  
 deriuing the publick Iustice into all parts  
 of the Realm; by setling all the pos-  
 sessions, both of the Irish & English, by  
 re-establishing the compositions; by re-  
 storing and resuming the Customes; by  
 reuiuing the Tenures in *Capite*, and  
*Knights-Seruiice*; & reducing many other  
 thinges into charge, which by the con-  
 fusion and negligence of former times, be-  
 came concealed and subtracted from the  
 Crowne. I forbear likewise to speak

of the due and ready bringing in of the Reuenue, which is broght to passe by the well-ordering of the Court of *Exchequer*, and the Authority & paines of the Commissioners for Accompts.

I might also adde heereunto, the encouragement that hath bin giuen to the Maritime Townes and Citties, as well to increase their trade of Marchandize, as to cherish Mechanicall Arts and Sciences; in that all their Charters haue bin renued, & their Liberties more enlarged by his Maiesty, then by any of his Progenitors since the Conquest. As likewise, the care & course that hath been taken, to make Ciuil Commerce and entercourse betweene the Subiects, newly reformed and brought vnder Obedience, by granting Markets and Faires to bee holden in their Countries, and by erecting of corporate Townes among them.

Briefly,

Briefly, the clock of the ciuill Gouvernment, is now well fet, and all the wheelles thereof doe moue in Order ; The strings of this Irish Harpe, which the Ciuill Magistrate doth finger, are all in tune (for I omit to speak of the State Ecclesiasticall) and make a good Harmony in this Commonweale : So as we may well conceiue a hope, that *Ireland* (which heertofore might properly be called the *Land of Ire*, because the *Irascible* power was predominant there, for the space of 400. yeares together) will from henceforth prooue a Land of *Peace* and *Concorde*. And though heeretofore it hath bin like the leane Cow of Egypt, in *Pbaraoks* Dreame, deuouring the fat of *England*, and yet remaining as leane as it was before, it will heereafter bee as fruitfull as the land of *Canaan* ; the description whereof, in the 8. of *Deutronomie*, doth in euery part agree with *Ireland* ; being, *Terra Riuorum, aquarumque, & Fontium ; in cuius Camis, & Montibus, erumpunt fluviorum abyssi ; Terra frumen-*



*ti, & bordei ; Terra lactis, & mellis ;  
ubi absque vlla penuria comedes panem  
tuum, & rerum abundantia perfrueris.*

And thus I haue discovered and expressed the Defects and Errors, aswell *in the manning of the Martiall Affaires, as Of the Ciuil ;* which in former Ages gaue impediment to the reducing of all Ireland, to the Obedience & Subiection of the Crowne of England. I haue likewise obserued, what courses haue bin taken, to *Reforme the Defects and Errors in Gouvernement, and to reduce the People of this Land to Obedience,* since the beginning of the raigne of King Edward 3. til the latter end of the raigne of Q. Elizabeth.

And lastly, J haue declared & set forth, *How all the said Errors haue bin corrected, and the Defectes supplied vnder the prosperous Gouvernement of his Maiesty ;* So as I may positiuely conclude in the same words, which I haue vsed in the Title of this Discourse ; *That untill the beginning of his Maiesties Raigne,*  
Ireland

*Ireland was neuer entirely subdued, and brought vnder the Obedience of the Crown of England.* But since the crown of this kingdom, with the vndoubted right and Title thereof, discended vpon his Maiesty ; The whol Island from Sea to Sea, hath bin brought into his Highnes peaceable possession ; and all the Inhabitants, in euery corner thereof, haue bin absolutely reduced vnder his immediate subiection. In which condition of subiects, they wil gladly continue, without defection or adhæring to any other *Lord* or *King*, as long as they may be *Protected, and Iustly Governed*, without *Oppression* on the one side, or *Impunity* on the other. For, there is no Nation of people vnder the sunne, that doth loue equall and indifferent Iustice, better then the Irish ; or will rest better satisfied with the execution thereof, although it bee against themselves ; so as they may haue the protection & benefit of the Law, when vppon iust cause they do desire it.

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